

The Gazette of India



PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, SATURDAY JANUARY 14, 1961/PAUSA 24, 1882

NOTICE

The undermentioned Gazette of India Extraordinary were published upto the 2nd January 1961 :—

Issue No.	No. and date	Issued by	Subject
265	S.O. 3181, dated 31st December, 1960.	Ministry of Finance	Order that Rehabilitation Finance Administration shall stand dissolved and its assets shall vest in the Central Government
266	S.O. 3182, dated 31st December, 1960.	Cabinet Secretariat	The President Orders that work of the Wakf properties shall be transferred from the Ministry of Rehabilitation to the Ministry of Irrigation and Power.
267	S.O. 3183, dated 31st December, 1960.	Ministry of Commerce and Industry.	Amendments in the Exports (Control) Order, 1958.
1	S.O. 1, dated 2nd January, 1961.	Do.	The Cement Control (Seventh Amendment) Order, 1960.
2	S.O. 2, dated 2nd January, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
3	S.O. 3, dated 2nd January, 1961.	Ministry of Commerce and Industry	Appointing a body of persons to make a complete investigation into the circumstances of M/s. Dhakeshwari Cotton Mills Ltd., Calcutta.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 3rd January 1961

S.O. 77.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Mysore, hereby re-nominates Shri R. Sampathkumaran as the Chief Electoral Officer for the State of Mysore with effect from the forenoon of the 26th December, 1960.

[No. 154/8/60.]

By order,

S. C. ROY, Secy.

New Delhi, the 5th January 1961

S.O. 78.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order pronounced on the 22nd December, 1960 by the Election Tribunal, Bhopal.

BEFORE SHRI L. N. PATHAK, M.A.LL.B., MEMBER, ELECTION TRIBUNAL, BHOPAL

ELECTION PETITION No. 13 OF 1960

Shri A. D. Mani, Journalist, resident of Hitavada House Vidyawihar, Bhopal—*Petitioner.*

Versus

1. Shri Bhanupratapsingh Girraj Singh, Komakant District Raipur.
2. Shri Gopikishan Balmukund, Member of Parliament, Gona, P.O. Gona.
3. Shri Ratan Lal Kishorilal Malviya, Mahendragad, District Surguja, M.P.
4. Shri Gurudeo Shri, Kasauta House, Venkat Road, Rewa, Madhya Pradesh.
5. Shri Kesheo Prasad Verma, Fafidh Ward, Raipur, Madhya Pradesh.
6. Shri Niranjan Shankeria, Address Shri Niranjan Verma Advocate, Vidisha District Vidisha, M.P.
7. Shri Rameshwar Agnibhoj, Advocate, Bhopal, M.P.
8. Shri Gurudeo Saran, City Lashkar, Halka No. 14, Tahsil & District Gwalior.
9. Shri Mansoor Shah, Kampoo Road, Madhava Ganj, Lashkar, Gwalior.
10. Shrimati Manohara Holkar, 383, Govindpura, Raisen Road, Bhopal.

Application under section 81 of the Representation of People Act.

JUDGMENT

(Delivered on the 22nd of December, 1960)

1. This is an application under section 81 of the Representation of the People Act (hereinafter the Act) for declaring the election of the returned candidate, Shri K. P. Verma, respondent No. 5 as void. Another relief under section 84 is also claimed for a declaration that the petitioner himself has been duly elected.

2. Under Article 80 of the Constitution of India, out of the seats allotted to Madhya Pradesh State, 5 seats had fallen vacant and they were notified for being filled in by the Election Commission to the Council of States or Rajya Sabha. The nominations were to be filed by 4th March 1960, and the date for scrutiny was fixed for 7th March, 1960. The date of withdrawal was 10th March, 1960. The Returning Officer to this election was Shri Raghunath Singh A.W. 1, Secretary of the Vidhan Sabha. The date for election was fixed for 24th March 1960. 11 Members viz. the petitioner and the 10 respondents had contested the election

for the five seats. In all 270 ballot papers were received by the Returning Officer and out of them five ballot papers were declared invalid. The election was required by law to be held in accordance with the system of proportional representation by means of single transferable vote. The votes were counted by the Returning Officer on 24th March 1960 and he declared the respondents 1 to 5 as having been duly elected members of the Council of States. From the result sheet prepared by the Returning Officer it appears that the quota was 4,417 points. The petitioner has secured only 3,944 points and was eliminated as being lowest on the poll.

3. The petitioner has challenged the election of the respondent No. 5 on the following grounds:—

- (i) The Returning Officer wrongly rejected one of the ballot papers in which the only mark was against the name of the petitioner. This ballot paper was rejected on the ground that it does not bear No. 1. The contention of the petitioner is that the mark against his name could as well be deciphered as '1' and submitted that in any case it should be read as second preference in his favour.
- (ii) The Returning Officer did not account for the third preference vote recorded in some of the ballot papers and if that were done the petitioner was entitled to be declared elected.
- (iii) That the transfer of surplus was not in accordance with the Representation of People (Conduct of Elections and Election Petitions) Rules, 1956 and that the values received on second preference have been wrongly assessed by the Returning Officer. It was also urged that the petitioner was entitled to the transferred votes secured by the excluded candidates and the distribution of the votes of the candidates lowest on the poll was not in accordance with the rules, and that the petitioner should have been given the entire quota of 166 points. The details of these points are given in para 4(b)(ii) of the petition.
- (iv) It was contended that the method of counting was illegal and arbitrary and the Returning Officer contravened the rules framed under the Act in counting the votes. This is alleged to have materially effected the result of the election. The petitioner therefore, filed this application praying that the election of the Returned candidate, the respondent No. 5 be declared void and he be declared duly elected.

4. The respondents 1, 2 and 4 denied the allegations made in the petition and submitted that the counting of the votes was in accordance with the rules and that the election of the five candidates was proper. The respondents 3 and 5 have a common defence. The respondent No. 5 also filed a recrimination petition under section 97 of the Act. It was urged by these respondents that the petitioner was not eligible for being elected to the Council of States as his name was not properly enrolled in the electoral roll. It was alleged that the petitioner runs the business of publishing the "Hitavada" and has entered into a subsisting contract for the execution of publication of advertisements undertaken by the Government of India in his paper and thereby incurred a disqualification under section 7(d) of the Act. It was, further, contended the petitioner holds an 'office of profit' under the Government of India and as such was disqualified under Section 102 of the Constitution of India. All these grounds have been stated in detail in the recrimination petition.

5. These respondents denied that figure 2 was written on any ballot paper or that any second or third preference was recorded in any ballot paper. They contended that the petitioner and his agents were present at the time of the counting and that they did not take any such objection before the Returning Officer. They asserted that the Returning Officer followed the method prescribed by the rules for counting which was correctly made in the prescribed mode. They denied the allegations that the result of the election was materially effected.

6. These respondents, further, raised a contention that the petitioner did not comply with Section 117 of the Act and that the deposit of Rs. 1,000 by the petitioner's Counsel was not a proper deposit in favour of the Election Commission. They, therefore, prayed for the dismissal of the application under section 90(3) of the Act. It was, further, reiterated that the petitioner or his agent did not take any objection at the time of the counting and as such no counting can now be made.

7. The respondent No. 7 filed his written-statement stating that out of all the candidates only 2 candidates viz. respondent No. 1 and 7 were duly nominated candidates as they had deposited Rs. 250 as required by section 34(1)(a) of the Act and that all other candidates were illegally allowed by the Returning Officer to contest the election though they were not duly nominated having failed to deposit the necessary amount of deposit. He, further, contended that the petitioner holds an office of profit being the editor of "Hitavada" and the respondents Gurdeo Gupta and K. P. Verma also suffer from the same disqualification and that the respondent No. 5. K. P. Verma was also a contractor of Telegraph Department of the Government of India at the time of his nomination. Thus, in short he challenged the election of all the elected candidates and prayed that the entire election be declared void and he be declared elected.

8. The respondent No. 10 agreed with the contention of the respondent No. 7 and joined him in his defence.

9. The case proceeded *ex parte* against the respondents No. 6, 8 and 9.

10. As regards the written-statement of respondent No. 7 the petitioner contended that it is in fact a recriminatory petition which cannot be entertained without the fulfilment of due formality prescribed by law viz. filing within 14 days of the commencement of the trial after making the necessary deposit as required by section 199 of the Act.

11. It is alleged in the recrimination petition that the petitioner's name did not appear in the electoral rolls for Bhopal Assembly constituency and that he got his name illegally entered on 7th January 1960 and that he was disqualified for the reasons already stated in the written-statement. That the nomination of the petitioner was filed in contravention of the provisions of the Act and the Returning Officer improperly accepted his nomination as his name appeared in the electoral roll for Nagpur Assembly constituency and that the Electoral Registration Officer Sehore transgressed his authority in inscribing his name in the electoral rolls of the assembly constituency. Shri M. M. Tiwari Dy. Collector Sehore is alleged to have passed orders on the application of Shri Mani and he is alleged to have acted without jurisdiction in issuing notice for inviting objection for the inclusion of the petitioner's name in the electoral roll. The enrolment of the petitioner's name in the electoral roll for Bhopal constituency is challenged as wholly void. The respondent No. 5, further, alleged that the Returning Officer failed to publish the list of contesting candidates in the gazette of India and that the list was so published on 23rd March, 1960 just one day before the day fixed for poll.

12. The publication of the list did not comply with the provisions of section 38 of the Act and this non-compliance has materially affected the result of the election, inasmuch as the list of contesting candidates was prepared in contravention of section 38(2) of the Act by omitting to mention the names of the contesting candidates in alphabetical order. The respondent No. 5 also laid blame on the Returning Officer who had sufficient time at his disposal to serve the notice on the electors but he sent ordinary telegrams on 21st March 1960 with the result that some of the electors could not get the telegrams in time so as to come for voting on the 24th of March 1960. This is alleged to be a non-compliance of provision of law which has materially affected the result of the election. A corrupt practice is also alleged to have been committed by the petitioner and his agent Shri V. R. Gopalaswami for securing the enrolment of the petitioner in the electoral rolls of Bhopal Assembly constituency by procuring the assistance from the Dy. Collector and the Collector.

13. The petitioner in reply contended that at the material time he was duly qualified elector of Parliamentary constituency in Madhya Pradesh and was a qualified candidate for the Rajya Sabha. He submitted that the "Hitavada" is the paper of the servants of India Society which is a society registered in the Societies Registration Act and that the petitioner is only a member of the Servants of India Society. He denied any contract with the Central Government as alleged by the respondent No. 5. The petitioner admitted that he is the chairman of the Board of Directors of the Press Trust of India which is also a registered concern registered under the companies Act and that he is not a shareholder though the "Hitavada" is the shareholder of the Press Trust of India Ltd. After the elections were completed the petitioner was requested by the Ministry of Information and Broadcasting to join the Indian delegation to the Indo-Pakistan Joint Consultative Committee's conference in Delhi. The petitioner denied that the membership of the delegation is an office of profit. He denied other allegations made in the recrimination petition and contended that the proceedings before the Electoral Registration Officer cannot be challenged in these proceedings.

14. Upon the pleadings the following issues were framed and their finding are noted against them:—

Issues	Findings
1. (a) Whether the deposit of Rs. 1,000 made by Shri Mandlekar for the petitioner is available to the election Commission ?	Yes.
(b) Whether the deposit was made by him as an agent of the petitioner in connection with the Election Petition ?	Yes.
2. (a) Whether by being appointed as a member of the Committee in the Ministry of Information and Broadcasting, the petitioner held an offence of profit under the Govt. of India ?	No.
(b) Is he thereby disqualified for being chosen as a member of the Council of State ?	No.
3. (a) Whether the petitioner as a Member of the Servants of India Society and as publisher of the 'Hitavada' publishes advertisement of the Government of India on payment and supplies the paper to certain officers of the Central Government ?	No.
(b) Is he, therefore, disqualified under S. 7(b) for being chosen as a member of the Council of State ?	No.
(c) Whether the 'Hitavada' is a paper of the servants of India Society which is a society registered under the Societies Registration Act ?	Yes.
4. (a) Whether the 'Hitavada' is a shareholder of the Press Trust of India ?	Yes.
(b) Whether there is subsisting contract with the Press Trust of India and Government for the execution of publication of advertisement on remuneration of the work of the Broadcasting undertaken by the All-India Radio ?	No.
(c) Whether this entails further disqualification under section 7(d) of the Act ?	No.
5. (a) Whether the petitioner was not an elector from any Parliamentary Constituency in Madhya Pradesh ?	He was an elector.
(b) Whether his name illegally entered in the electoral rolls on 7-1-1960.	No.
6. (a) Whether the nomination of the petitioner was improperly accepted by the Returning Officer.	It was properly accepted.
(b) Whether the petitioner was not legally entitled to be enrolled in the electoral roll for Bhopal Assembly constituency ?	He was legally entitled to be enrolled.
(c) Whether the electoral roll is final and conclusive ?	Yes.
(d) Whether the name of the petitioner was removed from the electoral rolls of Nizam Constituency on 2-2-1960 ?	Yes.
7. Whether the Electoral Registration Officer Sehore acted wrongly by inserting the name of the petitioner in the electoral roll ?	No.
8. Whether the order passed by the Deputy Collector Shri. N.M. Tiwari is illegal and without jurisdiction ?	No order passed by the Deputy Collector.

Issues	Findings
9. Whether Shri N.M. Tiwari was never appointed Shri Tiwari was not the Electoral Registration Officer for Parliamentary Constituency Sehore ?	Electoral Registration Officer.
10. (a) Whether the order passed by the Electoral Registration Officer inserting the name of Shri Mani in the electoral rolls was illegal, unauthorised and void ?	No.
(b) Whether the proceedings before the Electoral Registration Officer can be challenged in the election Petition ?	They cannot be questioned.
11. Whether the petitioner procured enrolment through the assistance of the two gazetted offices and did he thereby commit a corrupt practice ?	No corrupt practice is proved.
12. Can these allegations be inquired into this Election Petition ?	No.
13. Whether the petitioner and respondent No. 5 were not duly nominated candidates because they did not deposit the necessary amount as required by Section 34(i) of the Act ?	They were duly nominated. No. deposits were necessary.
14. Whether the Returning Officer before whom the objection was raised wrongly over-ruled the objection ?	He rightly over-ruled objection.
15(a) Whether the written statement of respondent No. 7 is in fact a recrimination petition ?	Yes.
(b) Whether it cannot be entertained for non-fulfilment of the provisions of Section 117 of the Act ?	It cannot be entertained.
16. Whether the respondent No. 5 was an editor of 'ACRADOOT' which publishes Government of India advertisements on the basis of regular contract ?	Not proved.
17. Whether the respondent No. 5 was a contractor of Post and Telegraph Department at the time of his nomination ?	Not proved.
18. (a) Whether the Returning Officer failed to comply with section 38 of the Act ?	He complied with section 38.
(b) Whether this has materially affected the result of the election ?	No.
19. Whether the electors did not know the names of the contesting candidates ?	They knew the names.
20. Whether a dozen electors did not vote as they did not know the names of the contesting candidates ?	Not proved.
21. Whether the list of contesting candidates was not published in alphabetical order and was there a contravention of section 38(2) of the Act ?	There was no contravention of section 38(2).
22(a) Whether 15 electors did not vote as they did not get the intimation of the date and time fixed for polling ?	All the electors got due intimation.
(b) Whether this has materially affected the result of the election ?	Does not arise.
23. (a) Whether one of the ballot papers bears No. 2 alone against the name of petitioner ?	Yes.
(b) Whether the number is in fact No. 17	It is in fact No. 2.
(c) Whether the ballot paper was wrongly rejected ?	It was rightly rejected.

Issues	Findings
(d) Should it be counted as second preference? It cannot be counted as second preference in favour of the petitioner?	
24. Whether the rejection of the ballot paper has materially affected the result of the election?	Does not arise.
25. (a) Whether in calculating the votes received by Niranjan Shankerlal has there been a non-compliance of the Rules and Orders made under the Representation of People Act?	No.
(b) Whether Shri Niranjan Shankerlal should have got the entire quota of 166 from Shri R. Agnibhoj?	No.
(c) Whether Shri Niranjan Shankerlal has got the value of 100 points when Gurdev Saran was excluded?	No.
(d) Whether the petitioner was entitled to the transferred votes secured by the excluded candidates?	No.
(e) Whether 312 points secured by Niranjan Shanker Lal from Shri Gurdev Saran should also have been credited to the petitioner as a continuing candidates?	No.
(f) Whether the Returning Officer did not count the third preference vote recorded in some of the ballot papers?	He did not count third preference recorded on one of the ballot papers.
26. Whether the values received on second preference have been wrongly assessed by the Returning Officer?	Not proved.
27. (a) Whether the omission to register an objection at the time of the counting before the Returning Officer debars the petitioner from taking the objection in the election petition?	No.
(b) Whether the counting made by the Returning Officer is final and conclusive and whether the election Tribunal is incompetent to order recount?	The counting made by the Returning Officer is not final and conclusive. The Tribunal can order recount.
28. (a) Whether the counting of votes and the method of calculation adopted by the Returning Officer are wrong and contrary to the Rules made under the Representation of People Act?	The distribution of votes on the elimination of Niranjan Verma was wrong as the full value of 100 was not given to the petitioner who had third preference in one of the ballot-papers.
(b) Has this materially affected the result of the election?	Yes.
(c) What is the result after correct calculation?	Shri Kesho Prasad Verma is eliminated and Shri A.D. Mani is declared to be elected.
29. Whether the Tribunal has no jurisdiction to inspect the ballot papers or order recount for arriving at a correct conclusion?	The tribunal has jurisdiction.
30. (a) Whether the defence taken by the Respondent No. 5 is false and vexatious?	No.
(b) Is he liable for compensatory costs?	No.
(c) What costs should be saddled?	Does not arise.

REASONS FOR FINDINGS

15. **Issue No. 1.**—This issue was treated as a preliminary issue and I had given my findings on 1st October 1960, holding that the deposit of Rs. 1,000 made

by Shri Mandlekar was available to the Election Commission and that the deposit was made by him as an agent of the petitioner. Thus, there was a valid deposit of the amount available to the Election Commission. The provisions of Section 117 of the Act were, thus, fully complied with.

16. **Issue No. 2.**—The respondent No. 5 has urged that the petitioner was appointed to serve as a member in a committee appointed by the Government of India in the Ministry of Information and Broadcasting. Thus, he was holding an office of profit under the Government of India and as such is disqualified under Article 102 of the Constitution of India. The petitioner has contended that when the nomination forms were filled in for election, the petitioner was not a member of a Committee of the Government of India in the Ministry of Information and Broadcasting. However, after the election was completed he was requested by the Ministry of Information and Broadcasting on 22nd April 1960 by a telegram to join the Indian Delegation to the Indo-Pakistan Joint Consultative Committee in Delhi held from 26th April 1960 to 28th April 1960. It was denied that the membership of the Delegation was an office of profit.

17. Shri Ramadhyani 5 N.W.W. 1 examined on commission is the Secretary to the Government of India, Ministry of Information and Broadcasting and his evidence shows that Shri Mani was appointed as a member of the committee representing the Press and that the total amount paid to him on account of travelling allowance and daily allowance connected with the Indo-Pakistan Joint Consultative Committee amounted to Rs. 274.88 nP. out of which the travelling allowance was Rs. 208.38 nP. and the daily allowance amounting to Rs. 62.80 nP. Rs. 4, were allowed by way of mileage. The meetings of the committee were held on 27th April and 28th of April 1960 at Delhi.

18. Article 102 of the Constitution of India lays down that 'a person shall be disqualified for being chosen as, for being member of either house of Parliament, if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder.' The election in the instant case was held on 24th March 1960 and on this date the petitioner was not a member of the Delegation. He was not even the member on the date the nomination papers were filed nor on the date of election. The acceptance of the office of membership after the election cannot disqualify him. The plain meaning of the expression of 'office of profit' as laid down in *Ravanna Vs. Kaggeerappa, A.I.R. 1954 Supreme Court 653* is that an office must be held under Government to which any pay, salary, emoluments or allowance is attached. The word 'profit' can notes the idea of pecuniary gain. In that case a non-official chairman was entitling to draw a fee of Rs. 6 and it was held that it was not meant to be a payment by way of remuneration or profit given to him as a consolidated fee for the out-of-pocket expenses, which he has to incur for attending the meeting of the committee. The real question being whether remuneration of any kind is attached to an office which means 'an employment with fees and emoluments thereto belonging.' The expenses of the membership of the Indo-Pakistan Consultative Committee will not be an office with fees or emoluments thereunto belonging. The petitioner was paid only travelling allowance which he had to incur and the daily allowance amounting to Rs. 62.50 nP. and Rs. 4 as mileage. The payment of travelling allowance and daily allowance will not make the office as an office of profit. The respondent No. 5 has admitted in his evidence that the petitioner was not a member of the Committee even upto the date of declaration of the result of the election. Thus, I find that by being appointed a member of the committee in the Ministry of Information and Broadcasting the petitioner did not hold any office of profit and as such, he is not disqualified for being chosen as a member of the Council of States.

19. **Issues No. 3 and 4.**—I will take up these issues together as they are interconnected. In this connection the respondent No. 5 has urged that the petitioner is the Chairman of the Press Trust of India and his paper 'Hitavada' is a shareholder of the Press Trust of India, and that there is a subsisting contract entered into between the Press Trust of India and the Government of India for supply of news for execution of the work of Broadcasting undertaken by the All India Radio, which is the concern of the Government of India. It is further urged that there is a subsisting contract entered into the course of the business, which the petitioner does, as a member of Servants of India Society which has taken the work of publication of information undertaken by the Government of India on payment and for supply of the Hitavada to certain offices of the Central Government. The petitioner is admittedly the Chairman of the Board of Directors of the Press Trust of India, which is a registered concern, being registered under the

Companies Act. Shri Ranganathan A.W. 2 is the Manager of the Press Trust of India and he has deposed that the Press Trust of India is a registered concern. He has also filed the copy of the Memorandum of the Association of the Press Trust of India Limited. The petitioner is the representative of the Servants of India Society, which owns the Hitavada newspaper. The Servants of India Society is also registered under the Societies Registration Act. The Directors of the Press Trust of India do not get any remuneration and they are paid the actual fare when they attend the meetings of the Board. The evidence of this witness further shows that there was no contract between the Press Trust of India and the All India Radio Delhi though the Press Trust of India sends news to the All India Radio. For this the Press Trust of India receives about Rs. 7,60,000 a year. This amount is utilized for the maintenance of the news agencies. Then we have the evidence of Shri Ramadhyani 5 N. A. W. 1 examined on commission. He has deposed that there is no agreement between the Central Government and the Press Trust of India about the news supplied for broadcasting to the All India Radio by the Press Trust of India though the same is on payment, which is made annually on the basis of the consolidated amount for the year. The petitioner was elected as a Chairman of the Press Trust of India in November, 1959 and Ex. P.5 shows the payment made to the petitioner from 15th September 1959 to 30th September 1959 in connection with the Railway fare incurred by him from Nagpur to Delhi and Nagpur to Bombay in connection with some meetings which he attended as Chairman of the Board.

20. The Hitavada, a daily newspaper is of the Servants of the India Society. The petitioner is a member of the Society. Shri Ranganathan P.W. 2 has deposed that the Servants of India Society is a share-holder of the Press Trust of India. There is absolutely no evidence that there is any contract of the Servants of the India Society with the Government of India for the execution of publication of advertisement or for supply of Hitavada to certain offices of the Central Government. The Hitavada is not the paper of the petitioner, who is only a member of the Society. Thus, I find that the petitioner is a member of the Servants of India Society, which publishes the Hitavada. There is no evidence that the petitioner supplies Hitavada to certain offices of the Central Government or that he has entered into any contract regarding the publication of the advertisement of the Government of India on payment. He cannot be disqualified merely by being a member of the Servants of India Society. I, further, find that the Hitavada is a share-holder of the Press Trust of India and there is no subsisting contract, as urged in para (4)(b). The petitioner does not thereby incur any disqualification under Section 7(d) of the Act. The respondent No. 5 appears to have confused the Hitavada as the personal concern of the petitioner and hence these issues have arisen, but as I have stated above, this is not a fact.

21. **Issues No. 6, 7, 8, 9, 10, 11 and 12.**—I will take up all these issues as they are inter-connected, Ex. 5 N.A. 10 is the certified copy of the electoral roll and it shows that the name of the petitioner was inserted on 7th January 1960 under the orders of the Electoral Registration Officer. The petitioner had filed an application on the 30th of December, 1959 before the Electoral Registration Officer. The copy of the application filed before the Electoral Registration Officer is Ex. 5 N.A. 7 and it was dealt with by Shri M. M. Tiwari 5 N.A.W. 1 who was the District Election Officer at that time. Upon receipt of the application which was presented by Shri Gopalaswami, on behalf of the petitioner, action as required under rule 18, was ordered to be taken. The Ex. 5 N.A. 8 is the notification which was issued inviting objections. Ex. 5 N.A. 9 is the copy of the note-sheet which shows that the Collector who was the Electoral Registration Officer had ordered the name of the petitioner to be entered in the electoral roll of Bhopal.

22. The name of the petitioner was formerly entered in the electoral roll of Nagpur Constituency and on 2nd February 1960 it appears from the note sheet Ex. 5 N.A. 12 that he filed an application before the Collector Nagpur for deleting his name from the electoral roll of Ward No. 1 on the ground that he got his name registered in Sehore District. The note sheet is written by the Head Clerk, soliciting the orders of the Collector on this petition. The note sheet is signed by the Collector and it shows that he approved of the proposal. So the order of deleting the name of the petitioner from the electoral roll of Nagpur constituency was passed on 2nd February 1960. All this evidence shows that the petitioner was an elector from Nagpur constituency but later on got his name deleted and got his name inserted to the electoral roll of Sehore District.

23. The respondent No. 5, however, challenges the proceedings before the Electoral Registration Officer and has contended that the order of inclusion of name was passed by Shri M. M. Tiwari Deputy Collector, who had absolutely

no jurisdiction to do so, as he was not Electoral Registration Officer and that the petitioner got his name illegally inserted and thereby committed a corrupt practice. The evidence of Shri Tiwari 5 N.A.W. 1 shows that he was the District Election Officer and was working under the Collector. The application form No. 4 filed by the petitioner was dealt with by the Collector, who was the Electoral Registration Officer. The application in form No. 4, 5 N.A.D. 7 has been signed by Shri Tiwari on behalf of the Electoral Registration Officer. The notice under rule 26(3) inviting objections was signed by Shri M. M. Tiwari as Electoral Registration Officer, but he has deposed that he has forgotten to make a reference about his signature, which was for the Electoral Registration Officer, has passed orders on the petitioner's application for his name being included in the electoral roll of Bhopal and electoral roll was accordingly corrected, as no objections were raised for inclusion of his name in the electoral roll.

24. The respondent No. 5 pointed certain minor irregularities, such as, the notice under rule 26(3) which bears the signature of M. M. Tiwari as Electoral Registration Officer but Shri Tiwari has made it clear in his evidence that he had forgotten to write the word "for the Electoral Registration Officer" while signing the notice. Thus I find that the petitioner was an elector for the Parliamentary constituency M.P. and that his name was legally entered in the electoral rolls on 7th January 1960. That being so, his nomination was properly accepted by the Returning Officer. The name of the petitioner was removed from Nagpur constituency on 2nd February 1960 and the Electoral Registration Officer did not act contrary to law by inserting his name in the electoral roll. I further find that Shri M. M. Tiwari, Deputy Collector, was not the Electoral Registration Officer, nor did he pass any orders on the petitioner's application and whatever he did so was under the orders of the Collector, who was the Electoral Registration Officer. The order passed by the Electoral Registration Officer is neither illegal nor unauthorised, but a perfectly valid order. There is absolutely no evidence on the point that the petitioner committed any corrupt practice by getting his name inserted in the electoral roll. This allegation cannot be enquired into the election petition, which is limited to the provisions contained in Section 100 of the Act.

25. It will be presumed that the electoral rolls published by the authority was published in accordance with the law and there was no irregularity in procedure unless the contrary is proved. See Laxman Dhupar Vs. Madanlal 7 E.L.R. 398. It has been pointed out in Doabia's Election Manual 1957 Edition at page 17 that:-

"The position in India stands clear and it is that the electoral roll is made conclusive evidence for the qualifications of a candidate in proceedings for scrutiny of nominations, but not in proceedings on the hearing election petition before the Bengal Tribunal: Bengal Legislative Council, II, Case I.E.C.D., Vol. II page 24. It is submitted that this view is open to doubt and the view expressed in U.P. Anglo Indian constituency case, I.E.C.D. Vol. II page 108 seems to be the correct view. In this case it was held that where the question raised is as to whether the electoral roll is final and binding upon the election court then if the qualification required for being a voter is also repeated in the rule enumerating qualification for being a candidate the electoral roll is final and binding on the election court, but where the qualifications prescribed for a candidate are over and above those prescribed for an elector, the election court can certainly go into these additional qualifications or disqualifications....."

26. In all cases where the disqualification is not of personal character the finally published electoral roll will be conclusive even at the trial. "By disqualification of a personal character" is not meant such a failure in the incidents or elements of franchise as could be successfully objected to. In Jhujhar Singh Vs. Bhairolalal 7 E.L.R. 457 it was pointed out that the election tribunal can inquire into question whether the voter was a minor although he was entered as a major in the electoral roll. Thus, it would be seen that the electoral roll is final and binding on the tribunal and the irregularity committed in the preparation and publication of the roll cannot be inquired into by the tribunal, yet in case it is alleged that the non-compliance of the rules has materially affected the result of the election, the tribunal has jurisdiction in the matter. See Gangaprasad Vs. Krishnachand Sharma 10 E.L.R. 6. In the instant case there was no irregularity committed in the preparation and publication of the roll and the electoral roll is binding on the Returning Officer as well as the Tribunal.

27. Under Section 36(7) of the Act a certified copy of the entry should be conclusive evidence of the fact that the person referred to in the entry is an elector for that Constituency unless it is proved that he is subject to the disqualification mentioned in section 16 of the Act.

28. **Issues No. 13 and 14.**—These issues were framed on the pleadings raised by respondent No. 7 who contended that the petitioner cannot be deemed to be duly nominated because he did not deposit the necessary amount as required by Section 34(1) of the Act. The provisions of Section 39(2) are quite explicit and they lay down that:

"The provisions of section 31 to 38 excluding sub-section 2 and 5 of section 33 and clause (a) of sub-section (1) of Section 34 shall apply in relation to any such election as they apply in relation to an election in any constituency."

The respondent No. 7 has raised this contention before the Returning Officer Shri Raghu Nathi Singh A.W. 1 but he over-ruled the objection in view of section 39(2) of the Act. The provisions of clause (a) of Sub-Section (1) of Section 34 has been expressly excluded in such election and hence the Returning Officer rightly over-ruled the objection.

29. **Issue No. 15.**—This issue was treated as a preliminary issue and on 1st October 1960 I had given my finding that the written-statement filed by respondent No. 7 is in fact a recrimination petition and it cannot be entertained for non-fulfilment of section 119 of the Act. On 6th October 1960 the respondent No. 5 filed an application for reviewing the finding given by me on 1st October, 1960. The finding was given by me after considering the law on the point and I see no ground to disagree with finding given by me, for the reasons already stated in my finding delivered on 1st October 1960. I hold that the written-statement of respondent No. 7, is, in fact, recrimination and it cannot be entertained for non-fulfilment of the provisions contained in Section 117 of the Act. The review application thus stands dismissed.

30. **Issues 16 and 17.**—There is absolutely no evidence on these two issues and hence I find them in negative.

31. **Issues No. 18 and 21.**—Section 38 of the Act lays down that "immediately after the expiry of the period within which candidatures may be withdrawn, which in the instant case was 10th March, 1960, the Returning Officer shall prepare and publish in such form and manner as may be prescribed, a list of contesting candidates, that is to say, candidates who were included in the list of validity nominated candidates and who have not withdrawn their candidature within the said period."

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed."

32. The evidence of the Returning Officer Shri Raghunath Singh A.W. 1 shows that he had sent the list of contesting candidates to be published in Madhya Pradesh Rajpatra on 10th March, 1960. He also sent the list on the same day to the Election Commission India for being published in the Government of India gazette. The copy of the Gazette of India Extraordinary is on record and it shows that the list of contesting candidates was duly published and it contains the full description as required by Section 38 of the Act. The names of the candidates are written in English and the evidence of the Returning Officer shows that the names were put in alphabetical order according to the Hindi alphabets and the same alphabetic order was maintained when the names were published in the Government of India Gazette. Thus, the Returning Officer has complied with Section 38 of the Act and the publication of the list of contesting candidate was in accordance with the law. The other part of the issue does not arise. The publication appeared in the Gazette of India, dated 23rd March 1960. The fact that it was published late cannot be a valid ground as the law requires that list of contesting candidates should be published in the manner prescribed by law. The list of contesting candidates was published in alphabetical order according to Hindi Alphabets. The mere fact that the list was published in English and is not in alphabetical order according to English language cannot be regarded as contravention of section 38(2) of the Act.

33. **Issues No. 19 and 20.**—The list of contesting candidates was published in Madhya Pradesh Rajya Patra as well as in the Government of India Gazette. This itself is a sufficient notice to the electors who knew the names of the contesting

candidates. The publication of the hour fixed for polling was done as early as 23rd February 1960 and the dates for making the nominations, scrutiny of nominations and withdrawal of candidatures were already published. It was the duty of the electors to have kept themselves informed of the contesting candidates by looking into the notifications. If the electors choose to remain in dark about the contesting candidates they themselves are to be blamed. Thus, in view of the publication of the list of contesting candidates as required by Section 38 of the Act it cannot be said that the electors did not know the names of the contesting candidates. It is evident that 15 voters did not cast their votes but it cannot be said that they did not know the names of contesting candidates.

34. Issue No. 22.—Rule 93 of the Representation of People (conduct of election and elections petitions) Rules lays down that notice is to be served on the members, intimating the date, time and place fixed for the poll and under sub-rule 2, the notice is required to be served personally and in default of personally and in default of personal service he is required to be served by registered post or if necessary by a telegram. The evidence of the Returning Officer Shri Raghunath Singh A.W. 1 shows that there were in all 285 voters and out of these voters he had personally informed 285 voters at Bhopal and obtained their acknowledgment. He sent registered letters with acknowledgment due to 7 voters on 19th March 1960 and sent telegrams to 43 voters on 21st March 1960 intimating to them the particulars as required by the rule. No notices were returned unserved. Thus it will be presumed that the letters and telegrams reached their destination. Thus, the Returning Officer has sent intimation to all the voters intimating the date, time and place fixed for polling.

34. (a) Shri V. K. Tiwari 5 A.W. 1 is the secretary of the Congress Assembly party in Vidhan Sabha and he deposes that he sent intimation to all the congress M.L.As. intimating to them the date, place of the election for Rajya Sabha. He, further, deposes that he had sent intimations to Soyam Joggaiya, Bhopal Rao Power and Johan Ekka who have been examined by the respondent No. 5. Soyam Joggaiya was intimated on 7th March 1960 while the other two witnesses were intimated on 9th March 1960. On 23rd March 1960 Bhopal Rao intimated to the Secretary about his inability to attend the poll as his father was ill. On 24th March 1960 Shri Tiwari received a telegram from Soyam Joggaiya intimating his inability to attend on account of the illness of his family. Johan Ekka did not sent any intimation and, thereupon, a show-cause notice was issued to him by the Congress Assembly party. Thereupon, he sent a reply on 15th April 1960 stating that his children were suffering from small-pox and he lost one of his children and his brother had lost two children. He, therefore, submitted that he was unable to attend the election on 24th March 1960. Shri Tiwari has filed the intimations received from the three members who could not attend to the poll for private reasons.

35. Shri Bhopal Rao Power 5 N.A.W. 2 examined on commission did not attend Vidhan Sabha session for a few days. He has admitted that the Secretary Vidhan Sabha had informed him about the date and place fixed for poll. He had informed the Chief Whip that he was unable to attend due to the illness of his father. Shri Johan Ekka 5 N.A.W. 3 examined on commission deposes having received the telegram from the Returning Officer intimating to him the date and time fixed for the poll but according to him he received the telegram on the morning of 24th March 1960. This witness had attended the Vidhan Sabha session held in the month of February 1960. He knew that he was a voter for the Rajya Sabha. He has admitted the letter addressed to Shri Virendra Tiwari expressing his inability to attend the poll as he himself was an outdoor patient in the hospital from 20th to 21st of March, 1960. The evidence of Shri Soyam Joggaiya 5 N.A.W. from 4 examined on commission shows that he sent a telegram to the party leader from Kunta stating his inability to attend as the members of his family were suffering from small-pox. Every voter is expected to know his rights and the mere fact that he did not choose to exercise the right will not in any way invalidate the election. All the voters were duly intimated by the Returning Officer about the date, place, and time fixed for the poll as required by Rule 93 of the Act.

36. I have already stated above that there were 285 voters out of them 270 voters actually voted. The result of voting thus comes to 94.7 percent. Thus, I find that the remaining 15 voters did not vote as they did not like to exercise their right and not because they did not get any intimation of the date and time fixed for polling. This cannot, in any way, affect the result of election.

37. Issue No. 23.—The Returning Officer rejected one of the ballot papers on the ground that the figure '1' was not marked on it. The Returning Officer had taken out this ballot paper and showed an entry of No '2' against the name of

the petitioner. There is a note on this ballot paper that it was rejected as figure 1 was not marked. The figure 2 is so clearly written that it cannot by any stretch of imagination be read as '1'. Rule 116 clearly lays down that a ballot paper shall be invalid on which: (a) the figure '1' is not marked. That being so, the Returning Officer properly rejected this ballot paper as invalid under Rule 116(a). The single transferable vote stands on quite a different footing from the ordinary ballot or a straight vote. The basic principle of the single transferable vote is that the electorate has to send many representative, each voter has only one vote but that vote is transferable from one nominee to another. In this system a vote is never wasted and the intention of the voter is sought to be given effect to as far as possible. A voter is required to record the order of preference of the candidates and has to mention his first choice to succeed before every other and that if his vote is not helpful to his first choice (either by being superfluous or of being of no possible assistance to him) he would like that vote to be used to his second nominee without being wasted. In the instant case the ballot paper in which No. 2 is written against the name of the petitioner shows that the voter did not give him his first preference. Since the first preference was not mentioned in his ballot paper by putting No. 1, it has been rightly declared invalid.

38. The petitioner's learned Counsel referred to me the Halsbury Laws of England, third edition volume 14 at page 139 to 140 where it is laid down that the presumption is that every voter who applies for a ballot paper intends to vote for some candidate and that a ballot paper which is unmarked or void for uncertainty is void and must not be accounted but a ballot paper on which a vote is marked elsewhere than in the proper place or by more marks than one is not by reason thereof to be deemed to be void, if an intention that the vote shall be for one or other of the candidates clearly appears. In the instant case the law requires the voter to mention his first preference and the rules lay down that if that is not done, the ballot paper itself becomes invalid. Thus, the ballot paper which bears mark No. 2 against the name of the petitioner is not a valid ballot paper and has been rightly declared as invalid. It cannot even be read as second preference in favour of the petitioner as the ballot paper has become invalid. The issue No. 24, therefore, does not arise.

39. **Issues No. 23, 26 and 28.**—All these issues are interconnected and hence I would like to take them together. At the outset I may state that the grounds for declaring the election of respondent No. 5 to be void are those contained in section 100(d)(iii) and (iv) of the Act which runs as under:—

"Subject to the provisions of sub-section (2), if the tribunal is of opinion:—

- (a) That the result of the election in so far as is concerned to a returned candidate has been materially affected.....
- (iii) by the improper reception, refusal or rejection of any vote, or the reception of any vote which is void or
- (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,—

the Tribunal shall declare the election of the returned candidate to be void."

The counting of the votes is to be made as prescribed by Rules 131 to 126 of the Representation of the People (Conduct of Election and Election Petitions) Rules, 1958. The first thing required is the ascertainment of the quota and that is prescribed by Rule 122.

40. The value of the total valid votes was 26,500 (265 x 100). Five vacancies were to be filled in and hence the quota was

$$\begin{array}{r}
 26500 \\
 \hline
 \quad \quad \quad +1=4417 \\
 5 \times 1
 \end{array}$$

The result sheet filed by the Returning Officer shows that the contesting candidates received the following values:—

1. Shri Agnibhoj	.	.	.	.	.	.	700
2. Shri Gurdeo	.	.	.	.	.	.	3600
3. Shri Gurdeo Saran	.	.	.	.	.	.	300
4. Shri Gopikishan Balmukand	.	.	.	.	.	.	4600
5. Shri Niranjan Shankerlal	.	.	.	.	.	.	2000
6. Shri Bhanupratapsingh	.	.	.	.	.	.	4900
7. Shri A.D. Mani	.	.	.	.	.	.	2700
8. Shri Ratanlal	.	.	.	.	.	.	4300
9. Shri K.P. Verma	.	.	.	.	.	.	4000

Shri Mansoor Shah and Shrimati Manohara Holkar did not get any votes.

So, this was the result of the values of the votes at the first count. Shri Gopikrishna Balmakund and Thakur Bhanupratasingh having secured greater value than the quota were both declared elected at the first count. Thereafter the procedure regarding the transfer of surplus as required by Rule 124 started. The largest surplus is required to be dealt with first and the other in order of magnitude. The surplus of Shri Bhanu Pratap Singh being the largest was taken up first. He had 19 exhausted and 50 unexhausted valid ballot papers. The surplus was 483. The 30 unexhausted papers showed second preference to the continuing candidates as under:—

Shri Gurdeo	23
Shri Agnibhoj	3
Shri A.D. Mani	2
Shri K.P. Verma	2

The surplus is divided by 30 unexhausted papers and hence the value came to 16. Three was the loss by neglect of fractions. This surplus was distributed and Gurudeo got 368 (23×16), while R. S. Agnibhoj got 48 (3×16) and Shri A. D. Mani got 32 (2×16) and Shri K. P. Verma got 32 (2×16). The result after this distribution of this surplus was as under:—

Shri Agnibhoj	148
Shri Gurdeo	3968
Shri Gurdeo Saran	3000
Shri Gopikrishna Balmukund	4600
Shri Niranjan Shankerlal	2000
Shri Thakur Bhanupratapsingh	4417
Shri A.D. Mani	2732
Shri Ratanlal	4300
Shri K.P. Verma	4032

41. After the above, came the surplus of Shri Gopikrishna Balmakund. His surplus was 183 and out of his 46 ballot papers 17 were exhausted and 29 were unexhausted. The unexhausted papers showed the second preference as under:—

Shri Gurdeo	20
Shri Agnibhoj	3
Shri Gurdeesaran	2
Shri A.D. Mani	1
Shri K.P. Verma	1
Shrimati Manohara Holkar	1
Shri Niranjan Shankerlal	1

The surplus of 183 is to be divided by 29 and the value would come to 6 with a wastage of 9 points. Thus, the result after the distributing the surplus of Gopikrishna would come as under:—

Shri Agnibhoj	166 ($148+18$)
Shri Gurdeo	4088 ($3968+120$)
Shri Gurdeo Saran	312 ($300+12$)
Shri Gopikrishna Balmukund	4417
Shri Niranjan Shankerlal	2006 ($2000+6$)
Shri A.D. Mani	2738 ($2732+6$)
Shri Ratanlal	4300
Shri K. P. Verma	4038 ($4032+6$)

This is the result of the distribution of surplus of Gopikrishna Balmakund.

42. The surpluses of the two candidates were transferred as stated above. Then we come to the exclusion of candidates lowest on the poll as laid down in section 125. Manohara Holkar had secured only 6 points and since there was no unexhausted paper she was excluded. The next candidate to be excluded was Shri Agnibhoj. He had 166 points out of which there was one original ballot paper 100. He got three papers of the value of 16 points out of the surplus of Shri Bhanu Pratapsingh and 3 papers of the value of six points out of the surplus of Gopikrishna Balmakund. The original ballot paper of 100 goes to Niranjan Shankerlal as second preference was shown in the ballot paper. One of the papers out of the surplus of Shri Bhanu Pratapsingh shows the next preference in favour of Gurudeo and hence the paper goes to Gurudeo valued at 16 points. Thus, on the distribution of the votes of Agnibhoj, 106 points go to

Niranjan Shankerlal and 16 to Gurudeo. The rest of the values are wasted. The contention of the petitioner that Niranjan Shankerlal should have got the entire quota of 166 is wrong as the original ballot paper showed first preference to Agnihoj and second preference to Niranjan Shankerlal and third preference to Shri Mani. Thus Niranjan Shankerlal will get the full value of one original ballot paper amounting to 100 and he will get 6 more points out of the surplus paper of the value of 6 from the surplus of Gopikrishan Balmakund on which Shri Niranjanlal was given third preference. Thus, the result of the distribution of the votes of Rameshwar Agnihoj is correct as given by the Returning Officer. No other discrepancy was pointed out to me in the result sheet though the ballot papers were opened before the Returning Officer who was examined as A.W. 1.

43. Then comes the distribution of the votes of Shri Gurudeo Saran. He had secured 312 points. He had three original papers and out of them one was exhausted and the two showed second preference to Gurudeo and Niranjan Shankerlal. He had received 2 papers of the value of 6 each out of the distribution of surplus of Gopikrishan Balmukund. These two papers were also exhausted and hence out of the 312 points of Shri Gurudeo Saran 100 go to Gurudeo and 100 to Shri Niranjan Shankerlal and the rest 112 are wasted. The contention of the petitioner that he was entitled to 312 points is evidently wrong. Then we come to the stage of elimination of Shri Niranjan Shankerlal Verma. At this stage there were four continuing candidates. They were (1) Shri Gurudeo, (2) Shri A. D. Mani, (3) Shri Ratanlal Malviya and (4) Kesho Prasad Verma. The distribution of the votes of Niranjanlal as shown in the distribution sheet by the Returning Officer was as under:—

Shri Gurudeo	:	:	:	:	:	100
Shri A.D. Mani	:	:	:	:	:	1206

After this distribution the totals of the continuing candidates are given as under:—

Shri Gurudeo	:	:	:	:	:	4304
Shri Ratanlal	:	:	:	:	:	4300
Shri Keshoprasad Verma	:	:	:	:	:	4038
Shri A. D. Mani	:	:	:	:	:	3944

As there were only three seats to be filled in the Returning Officer eliminated Shri Mani and declared Shri Gurudeo, Shri Malviya and Shri Kesho Prasad Verma as elected.

44. The scrutiny of ballot papers before the Tribunal has shown that Shri Mani gets 1,200 points out of the original papers of Niranjanlal at full value of 100 for each paper and one paper which was transferred to Shri Niranjan Verma at the value of 6 which bears next preference for Shri A. D. Mani. The evidence of the Returning Officer has made it clear that the ballot paper in which Shri Agnihoj is given first preference bears third preference in favour of Shri Mani and this paper escaped his notice through inadvertence. The Returning Officer has also deposed that as a result of the third preference in favour of Shri Mani the entire value of 100 will go to him raising his total to 4,044. Since this paper was lost sight of by the Returning Officer the full value of 100 from Shri Agnihoj and which came to Shri Mani at the same value by way of third preference will have to be given bringing the total to 1,306 instead of 1,206. Shri A. D. Mani gets at that stage 4,044 votes as against 4,038 of the votes secured by Shri Kesho Prasad Verma. Now Shri Kesho Prasad Verma having the lowest number of votes will have to be eliminated instead of Shri A. D. Mani. As soon as Shri K. P. Verma is eliminated Shri Gurudeo, Shri Ratanlal Malviya and Shri A. D. Mani will stand elected as the number of continuing candidates will be equal to the vacancies to be filled in. The following table will make the position clear as described above:—

Name of the continuing candidates after elimination of Shri Niranjan Verma	Votes as shown in the Returning Officer's result sheet	Votes seen before the Tribunal
1. Shri Gurudeo	4304	4304
2. Shri Ratanlal Malviya	4300	4300
3. Shri Kesho Prasad Verma	4038	4038
4. Shri A. D. Mani	3944	4944

It has been clearly conceded by the Returning Officer that he has not counted this ballot preference bearing third preference to Shri A. D. Mani. This wrong omission of this third preference evidently affected the result of the election. In other respects the counting of vote was not in any way challenged nor was method of calculation.

45. Issue No. 27.—It is an undisputed fact that no objection was raised before the Returning Officer at the time of the counting of votes either by the candidates or by their agents. It was urged before me that the petitioner has lost his right for a recount by the doctrine of estoppel and by his inaction and acquiescence he shall be deemed to have waived the objection. The ground on which an election can be declared to be void are, as I have stated above contained in Section 100 of the Act and one of the grounds in the improper reception, refusal or rejection of any votes. In the instant case the third preference in favour of the petitioner was not counted by the Returning Officer through inadvertence and this has materially affected the result of the election and hence this is a matter which can be considered by the Tribunal. The counting made by the Returning Officer is not final and conclusive and can be inquired into by the Tribunal under Section 100(d)(iii) and (iv) of the Act.

46. The respondent's learned Counsel suggested to me that there cannot be a recount before the Election Tribunal in a case of single transferable vote, but he was unable to cite any authority for this preposition. His contention that there cannot be a partial recount is similarly untenable as there is no such thing as partial recount as the counting is complete at every stage. See rule 127 of the Rules. The Election Tribunal is fully competent to order a recount even though no objection was taken before the Returning Officer. The counting made by the Returning Officer is not conclusive and the Tribunal can declare an election to be void if a vote has been improperly received or refused.

47. Issue No. 29.—Rule 138, specifically provides for production and inspection of election papers while in the custody of the Returning Officer the election papers should not be opened and their contents shall not be inspected by or produced before any person or authority except under an order of a competent court or Tribunal. This rule itself empowers the Tribunal to order for the production and inspection of the Election papers. The ballot papers are preserved under Rule 139 and the object is to make them available if so required by the Tribunal. The tribunal is fully competent to inspect the ballot papers and for ordering a recount for arriving at a correct conclusion.

48. The learned Counsel for the respondent threw a suggestion that the ballot paper bearing third preference in favour of Shri Mani may have been tampered with. But the Returning Officers has testified to the fact that there was no possibility of the figure '3' being not there in the ballot paper at the time of the counting. The sealed packet containing the ballot papers was opened in the presence of the parties by the Returning Officer himself and the seal of the Returning Officer was found to be intact. Thus there was absolutely no possibility of any tampering nor was any such thing alleged by the respondent No. 5.

49. Issue No. 30.—There is nothing to show that the defence taken up by the respondent No. 5 is in any way false or vexatious. He has taken up the defence permissible by law, though he may not have been able to substantiate them. Thus, the petitioner is not entitled to any compensatory costs.

50. The result is that the Returning Officer has inadvertently omitted to take into account the third preference given in favour of the petitioner of the value of 100 and by adding this value to the votes already secured by the petitioner, Shri Kesho Prasad Verma is eliminated. Thus, it is declared that the election of Shri Kesho Prasad Verma is void in view of the calculation given above. The petitioner, having secured more votes than Shri Kesho Prasad Verma, shall be declared to have been elected.

51. The result is that the petition is allowed and the election of the returned candidate Shri Kesho Prasad Verma is declared void and the petitioner Shri A. D. Mani is declared to have been duly elected. The recrimination petition filed by the respondent No. 5 is dismissed with costs. The costs of the petition are saddled on the respondent No. 5 who is the real contesting respondent. The costs will be paid out of the security deposit made by the respondent No. 5. The petitioner shall be entitled to the pleaders' fee which are assessed at Rs. 500, if certified. He will be entitled to pleaders fee for pleaders engaged by him in the execution of the Commission issued at places other than the headquarters. These fees will be in accordance with the certificates filed. The petitioner has volunteered

to bear the costs of the commissioner's remuneration amounting to Rs. 421. These costs will be borne by him in view of the undertaking given by him. The costs incurred by the other respondents shall be borne by them.

The 22nd December, 1960.

Sd/- L. N. PATHAK,
Member,
Election Tribunal.

[No. 82/13/60.]

By Order,
K. K. SETHI, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 3rd January 1961

S.O. 79.—Whereas the place known as the 'pipe-line area' situate in the Pallival Village, Kottayam District, is used for works for purposes of a public character;

And whereas information with respect to, or the destruction or obstruction of, or interference with, the said place would be useful to an enemy;

Now, therefore, in pursuance of sub-clause (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (19 of 1923), the Central Government hereby declares the said place to be a prohibited place for the purposes of the said Act and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Home Affairs No. S.O. 1792 dated the 13th July, 1960, namely:—

In the Schedule to the said notification, for the entries relating to "C-Ramaswamy Iyer Head Works", the following entries shall be substituted, namely:—

	“	I	2	3	4	5	6
C(i)—Ramaswamy Iyer Head Works.		Do.	Do.	Do.	Do.	Area Comprising the Weir (Head Works and open intake Channel including Tunnel Portal excluding the Park.	
(ii)—Pipe line area		Do.	Do.	Do.	Do.	Starting from the Surge tank at top down to the Power House for the entire width of track cutting".	

[No. F. 21/38/60-Poll(I).]

N. SAHGAL, Jt. Secy.

New Delhi, the 4th January 1961

S.O. 80.—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

- (1) Shrimati Bari Dulaiya Ju Deo and
- (2) Kumar Tej Bhan Singh,

wife and son respectively of Shri Chaubey Shiva Prashad, Jagirdar of Paldeo, for the purpose of that entry, and directs that the exemption shall be valid in respect of 1 gun/rifle and 1 pistol/revolver each.

[No. 16/21/60-P.IV.]

C. P. S. MENON, Dy. Secy,

New Delhi, the 5th January 1961

S.O. 81.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notifications of the Government of India—

- (I) in the late Department of Commerce No. 183-Ind.3(a)/42 dated 26th September, 1942 (in so far as it relates to the Chief Commissioner of Delhi);
- (II) in the Ministry of Home Affairs No. 26/1/49-AN dated 21st February, 1950; and
- (III) in the late Ministry of States No. 104-J dated 24th August, 1950 (in so far as it relates to the Chief Commissioners of Himachal Pradesh, Tripura and Manipur),

the President hereby directs that the Lieutenant Governor or the Chief Commissioner, as the case may be, of the Union territories of Himachal Pradesh, Delhi, Manipur, Tripura and Andaman and Nicobar Islands shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under the Collection of Statistics Act, 1953 (32 of 1953), within their respective Union territories.

[No. F. 2/15/60-Judl.II.]

New Delhi, the 7th January 1961

S.O. 82.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrators of the Union territories of Delhi, Himachal Pradesh, Manipur, Tripura, the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the Central Government under section 17 of the Cinematograph Act, 1952 (37 of 1952), within their respective jurisdictions.

[No. 2/18/60-Judl.II.]

New Delhi, the 9th January 1961

S.O. 83.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notification of the Government of India in the late Ministry of States No. 104-J., dated the 24th August, 1950 in so far as it relates to the exercise of certain powers and discharge of certain functions under the Indian Christian Marriage Act, 1872 (15 of 1872), the President hereby directs that the Lieutenant Governor of Himachal Pradesh and the Chief Commissioner of Tripura shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under sections 6, 7, 9, 62, 82, and 83 of the Indian Christian Marriage Act, 1872 (15 of 1872), within their respective territories.

[No. 2/16/60-Judl.II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 8th January 1961

S.O. 84.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the lease deed executed by the Embassy of the People's Republic of China in India in respect of the premises at No. 2, Jor Bagh Nursery, New Delhi, is chargeable under the said Act.

[No. 1—F. No. 1/79/60-Stamps/Cus.VII.]

L. S. MARTHANDAM, Under Secy.

CENTRAL BOARD OF REVENUE

ESTATE DUTY

New Delhi, the 9th January 1961

S.O. 85.—In exercise of the powers conferred by the second proviso to subsection (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 3/F. No. 21/7/55-ED dated the 1st February, 1956 the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED./F. No. 21/52/57-ED dated 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED dated the 1st April, 1959, every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Patna, and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Patna, Shahabad, Gaya, Monghyr; Santhal-Parganas, Purnea, Saharsa, Darbhanga, Bhagalpur, Champaran, Saran and Muzaffarpur of Bihar State.

2. This notification shall come into force from the 1st January, 1961.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary owing to the decision to confer Estate Duty jurisdiction on Assistant and Deputy Controllers of Estate Duty with reference to revenue districts and not with reference to the ranges of Inspecting Assistant Commissioners of Income-tax as at present, so that the necessity of amending the relevant notification whenever there is a change in the jurisdiction of the Range Inspecting Assistant Commissioners may be avoided.

[No. 41/F. No. 21/120/60-ED]

S.O. 86.—In exercise of the powers conferred by the second proviso to subsection (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 4/F. No. 21/7/55-ED dated the 1st February, 1956 as last amended by its notification No. 52/F. No. 21/56/58-ED, dated the 28th November, 1958, the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED./F. No. 21/52/57-ED dated 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED, dated the 1st April, 1959, every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Ranchi and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Hazaribagh, Ranchi, Palamu, Singhbhum and Dhanbad of Bihar State and the revenue districts of Cuttack, Dhenkanal, Puri, Mayurbhanj, Balasore, Keonjhar, Sambalpur, Sundergarh, Kalahandi, Koraput, Bolangir, Ganjam and Phulbani-Boudh of Orissa State.

2. This notification shall come into force from the 1st January, 1961.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary owing to the decision to confer Estate Duty jurisdiction on Assistant and Deputy Controllers of Estate Duty with reference to revenue districts and not with reference to the ranges of Inspecting Assistant Commissioners of Income-tax as at present, so that the necessity of

amending the relevant notification whenever there is a change in the jurisdiction of the Range Inspecting Assistant Commissioners may be avoided.

[No. 42/F. No. 21/120/60-ED]

M. B. PALEKAR, Secy.

CORRIGENDUM

CUSTOMS

New Delhi, the 14th January 1961

S.O. 87.—In the Central Board of Revenue Notification S.O. 2300 dated the 24th September, 1960, appearing on page 2832 of the *Gazette of India*, dated the 24th September, 1960, Part II, Section 3, Sub-Section (II), the word "Land" appearing in the preamble of the said Notification shall be omitted.

[No. 4/F. No. 90/22/60-LC I]

M. C. DAS, Secy.

COLLECTORATE OF CENTRAL EXCISE : CALCUTTA AND ORISSA

CENTRAL EXCISE

Calcutta, the 30th December 1960

S.O. 88.—In exercise of the powers conferred on me by rule 233 of Central Excise Rules, 1944 read with rule 55 *ibid*, I hereby direct that the manufacturers of Vegetable Non-Essential Oils shall maintain an account of Raw materials in the form enclosed and shall observe, in particular, the following instructions in connection with the maintenance of the same, namely:—

- (i) In the column 2(c) of the stock account, the shift-wise issue of oil seeds/nuts shall be recorded immediately the oil seeds/nuts are sent to the crushing section, the time of putting the seeds/nuts into particular crushers/ghanies along with the indication of the crushers/ghanies to which they are put to, being recorded in column 5 against each such issue as shown in column 2(c) of the account, as aforesaid;
- (ii) the oil recovered from the seeds/nuts in each shift shall be recorded in the column 3 against each correlative entry of issue of seeds/nuts in column 2(c) and an abstract showing the issue of oil seeds/nuts and recovery of oil therefrom prepared at the end of each day.

Raw material account showing the daily account of oil-seeds used and oil extracted

Date	Nuts—Oil Seeds				Quantity of oil received after crushing	Oil Cakes		Remarks		
	Receipts from		Issues for			Quantity obtained	Quantity issued			
	Decorticator	Outside	Crushing	Direct sales						
(a)	(b)	(c)	(d)			(a)	(b)			
1	2			3		4				

Note—(i) Abstract at the end of the each month.

Balance in the beginning of the month
Add Receipts during the month.

Total :

Less issues during the month

Balance at the end of the month :

(ii) Separate account should be maintained for each variety of seed.

[No. 12/1960.]
S. P. KAMPANI, Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE & LAND CUSTOMS: SILCHAR

NOTICE

Silchar, the 2nd January 1961

S.O. 89.—It is hereby notified that the goods mentioned in the schedule below were seized at the godown of Karimganj Steamerghat on 12th December 1960 as those contravened Section 5 of the L.C. Act, 1924, Section 19 of the Sea Customs Act, 1878 and Section 3(1) of the Imports & Exports (Control) Act, 1947. The said goods are liable to be confiscated and the case will be adjudicated on its own merits unless the lawful claimant produces documentary or other evidence sufficient to establish his claim to the undersigned within 15 days from the date of publication of this notice.

SCHEDULE

Description	Quantity	Value inclusive of duty
Cinamon	485 lbs.	Rs. 4,200.00 nP.
[No. 13/UC/Kxj/LC/60/53] N. K. BHATTACHARJEE, Assistant Collector.		

BOMBAY CENTRAL EXCISE COLLECTORATE

PUBLIC NOTICE

Bombay, the 8th January 1961

SUBJECT:—*Baggage Rules for Passengers coming from and proceeding to Goa and Daman (Portuguese territory) by Land.*

S.O. 90.—In exercise of the powers conferred by Notification No. 6037 of 11th December, 1924, issued under Section 6 of the Land Customs Act XIX of 1924 by the Central Board of Revenue, New Delhi, and in supersession of all previous rules on the subject, the Collector of Land Customs, Bombay is pleased to make the following rules in connection with the passing of passenger's baggage imported from or exported to the Portuguese territories of Goa and Daman by land. The Rules shall take effect from the 14th January, 1961.

RULES

1. (i) These Rules may be called the Passengers Baggage (Portuguese Possession in India) Rules, 1961.
 (ii) They shall come into force on and from the 14th of January, 1961.
2. The *bona fide* baggage of a passenger is exempt from duty when it accompanies him.
3. For the purposes of these rules, the expression "*bona fide baggage*" shall include—
 - (a) used wearing apparel, bedding and personal effects consisting of articles specified in the schedules hereto annexed provided that the articles:—
 - (i) have been the property of and are in the possession of the passenger and are brought for his personal use or for the use of any member of his family travelling with him and show definite signs of use, and
 - (ii) are not intended for sale or for the use of other parties;
 - (b) articles brought by a passenger and proved to the satisfaction of the Officer of Customs to have belonged to his deceased wife or other deceased member of his family who was dependent on him at the time of death, provided that the personal effects or articles are such as would have been passed free of duty if the deceased person had been a passenger and such effects or articles had been brought by him.

SCHEDULE I—IMPORT

(1) Baggage	Weight not exceeding 66 lbs. (inclusive of container or containers) per adult or child.
(2) Personal clothing	All used personal clothing.
(3) Jewellery	(a) Females : (i) adults that is of 18 years of Upto Rs. 500 in age and above, value. (ii) children below 18 years of Upto Rs. 250 in age; value. (b) Males : adults and children Upto Rs. 250 in value.
(4) Watches	One per adult or child over 12 years.
(5) Fountain pens	One per adult or child over 12 years.
(6) Toilet Requisites	As required for the journey.
(7) Suit cases or Trunk	One each per adult or child.
(8) Handbag	One each per adult or child.
(9) Spectacles and/or Sun-glasses	One each per adult or child.
(10) Cigarettes, Tobacco, Snuff	20 cigarettes or one oz. tobacco or one oz. snuff.
(11) Foodstuffs	As required for the journey.
(12) Tiffin carriers, Thermos Flask, Cooking utensils, Crockery and Cutlery etc.	As required for the journey.
(13) Bedding, Holdall or Bed-roll	One each per adult or child.
(14) Other household effects	Nil.
(15) Medicines	As required for the journey.

NOTE.—For purposes of valuation, the value of watches will be taken along with that of jewellery and should not exceed the total monetary ceiling indicated under the item "Jewellery".

SCHEDULE II—EXPORT

All items as in Schedule I with the following changes :—

Household effects	Without restriction or limit but within the maximum baggage weight allowed.
Books	Without restriction or limit but within the maximum baggage weight allowed.

[No. VIII(b) 48(455) Cus./60.]

G. KORUTHU, Collector.

CENTRAL EXCISE COLLECTORATE, BARODA

LAND CUSTOMS

Baroda, the 14th January 1961

S.O. 91.—In exercise of the powers conferred by Section 6 of the Land Customs Act, 1924 (XIX of 1924) and in supersession of all previous rules, I. R. Prasad, Collector of Land Customs, Baroda hereby make the following rules in connection with the passing of passengers' baggage imported from and exported to the Portuguese territories (Diu) in India, by land, namely:—

RULES

1. (i) These Rules may be called the Passengers Baggage [Portuguese Possessions (Diu) in India] Rules, 1961.
(ii) These Rules shall come into force on and from the 14th January, 1961.
2. The bona fide baggage of a passenger is exempt from duty when it accompanies him.

3. For the purposes of these rules, the expression "bona fide baggage" shall include—

- (a) used wearing apparel, bedding and personal effects consisting of articles specified in the Schedules hereto annexed provided that the articles,—
 - (i) have been the property of, and are in the possession of the passenger and are brought for his personal use or for the use of any member of his family travelling with him, and show definite signs of use, and
 - (ii) are not intended for sale or for the use of other parties;
- (b) articles brought by a passenger and proved to the satisfaction of the Officer of Customs to have belonged to his deceased wife or other deceased member of his family who was dependent on him at the time of death, provided that the personal effects or articles are such as would have been passed free of duty if the deceased person had been a passenger and such effects or articles had been brought by him.

SCHEDULE I—IMPORT

(1) Baggage	Weight not exceeding 66 lbs. (inclusive of container or containers) per adult or child.
(2) Personal Clothing	All <i>used</i> personal clothing.
(3) Jewellery	<ul style="list-style-type: none"> (a) Females— <ul style="list-style-type: none"> (i) adults that is of 18 years of age Upto Rs. 500 in value. (ii) children below 18 years of age Upto Rs. 250 in value. (b) Males— <ul style="list-style-type: none"> adults and children Upto Rs. 250 in value.
(4) Watches	One per adult or child over 12 years.
(5) Fountain pens	One per adult or child over 12 years.
(6) Toilet Requisites	As required for the journey.
(7) Suitcases or Trunk	One each per adult or child.
(8) Handbag	One each per adult or child.
(9) Spectacles and/or Sun-glasses	One each per adult or child.
(10) Cigarettes, Tobacco, Snuff	20 cigarettes or one oz. tobacco or one oz. snuff.
(11) Foodstuffs	As required for the journey.
(12) Tiffin carriers, Thermos Flask, Cooking utensils, Crockery and Cutlery etc.	As required for the journey.
(13) Bedding, Holdall or Bed-roll	One each per adult or child.
(14) Other household effects	Nil.
(15) Medicines	As required for the journey.

NOTE I.—For purposes of valuation, the value of watches will be taken along with that of jewellery and should not exceed the total monetary ceiling indicated under the item 'Jewellery'.

NOTE II.—The monetary ceilings of the articles mentioned in the schedule is inclusive of duty.

SCHEDULE II—EXPORT

All items as in Schedule I with the following changes :—

Household effects	Without restriction or limit but within the maximum baggage weight allowed.
Books	Without restriction or limit but within the maximum baggage weight allowed.

MINISTRY OF COMMERCE & INDUSTRY

Bombay, the 30th December 1960

S.O. 92.—In exercise of the powers conferred on me under clause 3 of the Cotton Control Order, 1955, I hereby make the following further amendment in the Textile Commissioner's Notification No. S.O. 2178, dated 30th August 1960, namely:—

- (i) In paragraph 8(a)(ii), after the words "Jhalawar district", the words "and Udaipur division" shall be added.
- (ii) In paragraph 8(U), the words and figures "Buri 0394" shall be deleted.
- (iii) In paragraph 8(U),
for
"It also includes 'A-51-9', 'Badnawar 1 (C.T. I-4-21)' grown in Madhya Pradesh and uncertified L-147 grown in Maharashtra and Madhya Pradesh"
the following shall be substituted:—
"It also includes uncertified L-147 and Buri 0394, recognised as such and grown in the Vidarbha region of Maharashtra State and Madhya Pradesh and uncertified 'A-51-9' (Narmada), and 'C.T-1-4-21 (Badnawar 1), recognised as such and grown in Madhya Pradesh; such cottons possessing a staple length of 30/32" and above will be entitled to an additional premium of Rs. 21.00 per quintal (approximately Rs. 75/- per candy). However, if these cotton possess a staple length of 29/32" they will be entitled to additional premium of only Rs. 7 per quintal (approximately Rs. 25/- per candy)"
- (iv) In paragraph 8(w)(3)
for
"and certified L.147 from Amraoti district of Maharashtra State"
the following shall be substituted:—
"It also includes certified L.147 and Buri 0394 recognised as such and grown in Vidarbha region of Maharashtra State and Madhya Pradesh and certified A-51.9 (Narmada) and C.T. 1.4.21 (Badnawar 1) recognised as such and grown in Madhya Pradesh".
- (v) In note 2 against item (xvii) the following shall be added:—
"L 147, A.51-9, Buri 0394, C.T I.4-21".

(Sd.) W. R. Natu,
Textile Commissioner.

[No. F. 24(1)-Tex(A)/60-IV.]

R. N. KAPUR, Under Secy.

New Delhi, the 4th January 1961

S.O. 93.—In supersession of this Ministry's notification No. S.O. 2179, dated the 2nd September, 1960, published in Part II, Section 3, sub-section (ii) of the Gazette of India Extraordinary, dated the 2nd September, 1960, the Central Government hereby appoint Shri P. R. Mathur, Under Secretary, Ministry of Commerce & Industry, Government of India, as the Controller of Scooters for the purposes of the Scooters (Distribution and Sale) Control Order, 1960.

[No. A.E. Ind. 13(10)/60.]

R. V. RAMAN, Jt. Secy.

New Delhi, the 14th January 1961

S.O. 94.—Whereas in the opinion of the Central Government, it is expedient so to do:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 12 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the

Central Government hereby makes the following amendments to the Bye-laws of The East India Jute and Hessian Exchange Limited, Calcutta, for trading in hedge contracts in raw jute and jute goods, namely:—

In the said Bye-laws:—

1. In Bye-law 158, (a) the word 'and' at the end of clause (i) shall be omitted; and (b) after clause (ii), the following clauses shall be added, namely:—

"(iii) the maximum and/or minimum prices fixed under Bye-law 219(a)(ii); and

(iv) any other relevant circumstances which the Board in their discretion deem fit."

2. After Bye-law 158, the following Bye-law shall be inserted, namely:—

"158A. The due date rates so fixed for the basic and the alternate tenderable varieties or grades of raw-jute and/or jute-goods for the due date for the purpose of invoking back or closing the contract, as the case may be, shall be subject to the maximum and/or minimum rates, if any, fixed for Standard Contract No. I, No. II or No. III under Bye-law 219(a)(ii). Notwithstanding anything contained in these bye-laws, whenever the maximum and/or minimum prices are in force on the Due Date, the provisions regarding closing the contract, selling on account, invoking back and buying on account, in the event of failure to give or take delivery, as the case may be, shall be subject to such maximum and/or minimum prices".

II. In pursuance of the proviso to sub-section (4) of section 12 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government, in the interest of the trade, dispenses with the condition of previous publication:

[No. 33(9)-TMP/FMC/60.]

K. V. VENKATACHALAM, Jt. Secy.

ORDER

New Delhi, the 31st December 1960

S.O. 95.—IDRA/18G/47/60.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order to amend the Cement Control Order, 1958, namely:—

1. This Order may be called the Cement Control (Eighth Amendment) Order, 1960.

2. In the Schedule to the Cement Control Order, 1958—

(1) for the entry against serial No. 13, the following entry shall be substituted, namely:—

Name of producer	Price per Metric Tonne
"13. M/s. India Cements Ltd., Talaiyuthu.	63.21 (63.53)";

(2) at the end, the following note shall be inserted, namely:—

"Note.—The price specified within brackets against serial No. 13 above is the price per British Ton for the period beginning from the 1st January, 1960 and ending on the 30th September, 1960."

[No. Cem-8(32)/60.]

M. L. GUPTA, Under Secy..

ORDERS

New Delhi, the 7th January 1961

S.O. 96.—IDRA/6/18.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri V. Kannan as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry S.O. 129, dated the 12th January, 1960 for the scheduled industries engaged in the manufacture or production of leather, leather goods and pickers till the 11th January, 1962 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 18 relating to Dr. A. Seetharamaiah, the following entry shall be inserted:—

"18A. Shri V. Kannan, National Council of Applied Economic Research, Bombay Mutual Building, Parliament Street, New Delhi.	Technical Knowledge.	Member.
---	-------------------------	---------

[No. 4(2)IA(IV)/60.]

New Delhi, the 10th January 1961

S.O. 97.—IDRA/6/1.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the Order of the Government in the Ministry of Commerce & Industry No. S.O. 1740, dated the 7th July, 1960, for the scheduled industries engaged in the manufacture and production of Bicycles, Sewing Machines & Instruments till the 6th July, 1962 and directs that the following amendments shall be made in the said Order, namely:—

(a) In paragraph 1 of the said Order, after entry No. 16 relating to Shri Lakshman Prakash, the following entry shall be inserted:

"16A. Shri Subba Rao, M/s. Andhra Scientific Company, Masulipatam. (Andhra Pradesh)	Owner	Member
---	-------	--------

(b) In paragraph 1 of the said Order, after entry No. 18C relating to Miss Ena Choudhary, the following entry shall be inserted, namely:—

"18D. Dr. B. Natarajan, National Council of Applied Economic Research, Bombay Mutual Building, Parliament Street, New Delhi.	Technical Knowledge	Member.
--	------------------------	---------

[No. 1(1)IA(IV)/60.]

D. HEJMADI, Dy. Secy.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 19th December 1960

S.O. 98.—Whereas M/s Chowdhury Industries Corporation, Calcutta-27, have stated in their letter, dated 2nd December 1960 that they have not received the said licence. Any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. Electric/5-B/2 60/L.II(B)/234, dated 23rd November 1960, proposing to cancel licence No. A 807677/60/AU/HQ/RM(Electric), dated 10th September 1960 (value at Rs. 69,750/-) for the import of Kraft Condenser Tissue Paper from the Soft Currency Area except South Africa and South West Africa granted to the said M/s. Chowdhury Industries Corporation, Calcutta-27 by the

C.C.I. & E., New Delhi, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licence No. A 807677/60/AU/HQ/RM(Electric), dated 10th September 1960 issued to the said M/s. Chowdhury Industries Corporation, Calcutta-27.

[No. 204/I/(2)/HQ/60/16.]

A. B. DATAR,

Dy. Chief Controller of Imports & Exports.

(Indian Standards Institution)

New Delhi, the 30th December 1960

S. O. 99.—In partial modification of the rate of marking fee per unit for Hydroquinone Photographic Grade, notified in the schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution), notification No. S.O. 14 dated 26 December 1958, published in the Gazette of India, Part II-Section 3-Sub-Section (ii), dated 3rd January 1959, the Indian Standards Institution hereby notifies that the marking fee per unit for Hydroquinone Photographic Grade, has been revised. The revised rate of marking fee shall come into force with effect from 1 January 1961.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1.	Hydroquinone, Photographic Grade.	IS : 388-1952 Specification for Hydroquinone, Photographic Grade (Tentative)	One Kilogram	16 np

[No. MD/18 : 2]

New Delhi, the 2nd January 1961

S. O. 100.—In pursuance of sub-regulations (2) and (3) of regulations of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the period 16 December to 31st December 1960.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS: 1536-1960 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	..	This standard covers the requirements for centrifugally cast (spun) iron pipes for pressure main lines of water, gas and sewage, manufactured in metal or sand moulds. (Price Rs. 4.50)
2.	IS: 1537-1960 Specification for Vertically Cast Iron Pressure Pipes for Water, Gas and Sewage.	..	This standard covers the requirements for cast iron pipes for pressure main lines of water, gas and sewage manufactured by vertical casting in sand moulds. (Price Rs. 4.50)

(1)	(2)	(3)	(4)
3. IS : 1587-1960 Specification for Aviation Turbine Fuels, High Flash Point Type.	..	This standard prescribes the requirements and methods of test for aviation turbine fuels, high flash point type used in turbo-prop and jet engined aircrafts. (Price Re 1.00)	
4. IS : 1600-1960 Code for Type Testing of Constant Speed Internal Combustion Engines for General Purposes.	..	This code applies to type testing of constant speed, reciprocating Internal combustion engines of the following types used for general purposes : (a) Compression ignition engines, (b) Carburettor type engines, and (c) Gas engines. (price Re 1.0)	
5. IS : 1604-1960 Specification for Aviation Gasoline.	..	This standard prescribes the requirements and methods of test for aviation gasoline intended for use in aircraft reciprocating engines. (Price Rs. 1.50)	
6. IS : 1607-1960 Methods for Dry Sieving	..	This standard lays down the procedure for dry sieving of materials on test sieves conforming to IS : 460-1953. (Price Rs. 3.00)	
IS : 1609-1960 Code of Practice for Laying Damp-Proof Coursing Using Bitumen Felts.	..	This code covers the materials and methods of application of damp-proof coursing to foundations, walls and basements of buildings and pits to render them capable of withstanding the penetration of moisture and water from an external source at or below ground level or from one part of a building or structure to another. (Price Rs. 3.50)	
8. IS : 1624-1960 Code of Practice for Field Testing of Building Lime and Lime Mortar.	..	This standard lays down the purpose and procedure of the following simple field tests for building lime : (a) Visual Examination for Physical Characteristics, (b) Hydrochloric Acid Test, (c) Test for Soundness, (d) Test for Workability, and (e) Test for Transverse Strength (Price Rs. 2.50)	
9. IS : 1630-1960 Specification for Mason's Tools for Plaster Work and Pointing Work	..	This standard lays down the material, essential dimensions and performance requirements of mason's tools for plaster work and pointing work, commonly used in building construction. (Price Rs. 3.00)	

Copies of these Indian Standards are available, for sale with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its branch offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1, (iii) 2/21 First Line Beach, Madras-1.

S.O. 101.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Serial No. and Title of Indian Standard No.	Serial No. and date of Gazette notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued	
(1)	(2)	(3)	(4)
1. IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.	S.O. 2260 dated 17th October 1959.	At page 10, <i>continued matter of clause B-3.2</i> appearing below Table IV, please substitute the following for the existing tolerances against Dimension D: ' (for rigid base motors only) +0.00 mm (or 0.00 in.) to —0.50 mm (or 0.02 in.)'	
2. IS : 1407-1959 Specification for Round Paint Tins.	S.O. 617 dated 12th March 1960.	Figure 3 'Types of Closures' at p.4 has been replaced by the new figure.	
3. IS:1551-1959 Specification for Carbon Paper for Typewriters.	S.O. 2319 dated 24th September 1960.	In clause 'C-3 2' line 2, '(p.4) 24th September please read' = 100(W ₂ —W ₁)' for ' = 100 (W ₂ —V ₁)'	
4. IS : 1614-1960 Specification for Oil of Vetiver Roots (Cultivated).	S.O. 3059 dated 24th December 1960.	In Table I Sl. No. (ix) under column 3 (Page 3), please read '55 to 70' for '5 to 70'.	

Copies of these errata slips are available, free of cost, with the Indian Standards Institution "Manak Bhavan", 9 Mathura Road, New Delhi-1, and also at its Branch Offices, at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13: 6]

New Delhi, the 3rd January 1961

S.O.102.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (i) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 1005-1957 Specification for Edible Maize Starch (Corn Flour).	S.R.O. 3809 dated 30th November 1957.	Amendment No. 1 December 1960.	(i) The word 'principally' in line 8, clause 0.6 has been deleted. (ii) The last two sentences in clause 0.6 have been deleted. (iii) Please substitute 'one kilogram' for '0.75 kg (or 1.5 lb)' in lines 4 and 5, clause A-3.1. (iv) Please add the word 'approximately' in between the words 'three' and 'equal' in line 7, clause A-3.1. (v) Please substitute '0.3 kg' for '0.25 kg (0.5 lb)' in line 2, clause A-3.2. (vi) Please substitute '0.5 mm' for '0.51 mm (or 0.020 in., 25 SWG)' in line 2, clause F-1.1.	15th January 1961.
2	IS: 1093-1957 Specification for Handloom Cotton Madras Handkerchiefs.	S.R.O. 3809 dated 30th November 1957.	Amendment No. 1 January 1961.	(i) In clause 2.3. 1, lines, 15th January 1961. 3 & 4, please substitute '(or square yard)' and weight per piece, or' for '(or square yard)', or'	

(ii) The existing Table II has been deleted and substituted by the new Table.

(iii) The existing clause 5.3, sub-clause 5.3.1, and item (b) of sub-clause 5.5.1 have been deleted and replaced by new clauses/ sub-clauses.

3	IS: 1147-1957 Glossary of Terms for Secondary Cells and Batteries.	S.O. 1349, dated 12th July 1958.	Amendment No. 1, December 1960.	New clauses numbering 2.40 to 2.48 have been added.	15th January 1961.
4	IS: 1162-1958 Specification for Cane Molasses.	S.O. 2507, dated 14th November 1959.	Amendment No. 1, January 1961.	In line 7, clause 7.2, delete '(or 40 and 50 gallons)' and '(or 4 gallons)'.	15th January 1961.
5	IS: 1433-1960 Specification for Beam Scales.	S.O. 2609, dated 29th October 1960.	Amendment, No. 1 December 1960.	The existing clause 5.3 has been deleted and replaced by the new clause.	15th January 1961.

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, "Marak Bhawan", 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoi Naoroji Road, Fort, Bombay-1; (ii) P-11 Mission Row Extension, Calcutta-1; and (iii) 2/21 First Line Beach, Madras -1.

[No. MD/13:5]

S.O. 103.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards given in the Schedule hereto annexed have been established during the quarter ending 31st December, 1960.

THE SCHEDULE

Serial No.	No. of Indian Standard No.	Title of Indian Standard
1	IS : 2-1960	Rules for Rounding Off Numerical Values (Revised).
2	IS: 190—1960	Specification for Coniferous Sawn Timber Intended for Further Conversion (Second Revision).
3	IS: 220-1959	Specification for Ferro-Gallo Tannate Fountain Pen Ink (0.1 Percent Iron Content) (Revised).
	IS: 432-1960	Specification for Mild Steel and Medium Tensile Steel Bars and Hard-Drawn Steel Wire for Concrete Reinforcement (Revised).
5	IS: 652-1960	Specification for Woollen Separators for Lead-Acid Storage Batteries (Revised).
6	IS: 694-1960	Specification for PVC Cables and Cords for Electric Power and Lighting for Working Voltages Up to and Including 650 Volts to Earth (Tentatives Amended).
7	IS:887-1960	Specification for Mutton Tallow.
8	IS: 1081-1960	Code of Practice for Fixing and Glazing of Metal (Steel and Aluminium) Doors, Windows and Ventilators.
9	IS: 1046-1960	Specification for Hard Rubber Containers for Motor Vehicle Batteries.
10	IS: 1290-1960	Specification for Mineral Gypsum for Ammonium Sulphate and Cement Industries.
11	IS: 1345-1960	Methods of Chemical Analysis of Printing Metals
12	IS: 1383-1960	Method for Determination of Scouring Loss in Grey and Finished Cotton Textile Materials.
13	IS : 1391-1960	Specification for Room Air-Conditioners.
14	IS: 1396-1960	Specification for Blotting Paper.
15	IS: 1397-1960	Specification for Kraft Paper.
16	IS: 1398-1960	Specification for Packing Paper, Waterproof, Bitumen Laminated.
17	IS: 1433-1960	Specification for Beam Scales.
18	IS: 1435-1960	Specification for Platform Weighing Machines.
19	IS: 1466-1960	Specification for Ferro Vanadium.
20	IS: 1470-1960	Specification for Silico Manganese.
21	IS: 1471-1960	Specification for Ferro Phosphorus.
22	IS-1534 (Part I) -1960	Specification for Fluorescent Lamps, Part I for Switch Start Circuits.
23	IS: 1536-1960	Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.
24	IS: 1537-1960	Specification for Vertically Cast Iron Pressure Pipes for Water, Gas and Sewage.
25	IS: 1548-1960	Manual on Basic Principles of Lot Sampling.
26	IS: 1549-1960	Specification for Steel Drums and Kegs (Galvanized and Ungalvanized).
27	IS: 1575-1960	Specification for Separating Funnels.

Serial No.	No. of Indian Standard No.	Title of Indian Standard		
28	IS: 1577-1960	.	.	Specification for Cigarettes (From Indian Tobacco).
29	IS: 1578-1960	.	.	Specification for Smoking Mixtures.
30	IS: 1583-1960	.	.	Specification for Handloom Silk Dhoties, Loom-state.
31	IS: 1585-1960	.	.	Specification for Motor Gasoline, 79 Octane.
32	IS: 1586-1960	.	.	Method for Rockwell Hardness Test (B and C States) for Steel.
33	IS: 1587-1960	.	.	Specification for Aviation Turbine Fuels, High Flash Point Type.
34	IS: 1588-1960	.	.	Specification for Aviation Turbine Fuels, Wide Cut Gasoline Type.
35	IS: 1589-1960	.	.	Specification for Oil, Cylinder.
36	IS: 1590-1960	.	.	Specification for Glass Filter Flasks.
37	IS: 1591-1960	.	.	Glossary of Terms for Electrical Cables and Conductors.
38	IS: 1592-1960	.	.	Specification for Asbestos Cement Pressure Pipes.
39	IS: 1594-1960	.	.	Metric Sizes of Copper Wires and Conductors for Electrical Purposes.
40	IS: 1600-1960	.	.	Code of Type of Testing of Constant Speed Internal Combustion Engines for General Purposes.
41	IS: 1602-1960	.	.	Code of Type Testing of Variable Speed Internal Combustion Engines for Automotive Purposes.
42	IS: 1604-1960	.	.	Specification for Aviation Gasoline.
43	IS: 1605-1960	.	.	Specification for Tapioca Starch for Use in the Cotton Textile Industry.
44	IS: 1606-1960	.	.	Schedule for Automobile Lamps.
45	IS: 1607-1960	.	.	Methods for Dry Sieving.
46	IS: 1609-1960	.	.	Code of Practice for Laying Damp-Proof Coursing Using Bitumen Felts.
47	IS: 1611-1960	.	.	Method for Cotton Fibre Immaturity Count-Polarized-Light Method.
48	IS: 1613-1960	.	.	Specification for Milk Bottle Crates.
49	IS: 1614-1960	.	.	Specification for Oil of Vetiver Roots (Cultivated).
50	IS: 1615-1960	.	.	Specifications for Oil of Himalayan Cedarwood.
51	IS: 1616-1960	.	.	Specification for Oil of Spike Lavender.
52	IS: 1617-1960	.	.	Specification for Oil of Lavandin.
53	IS: 1618-1960	.	.	Specification for Oil of Lavender-French.
54	IS: 1619-1960	.	.	Specification for Buffer Bands for Cop Changing Automatic Looms.
55	IS: 1624-1960	.	.	Code of Practice for Field Testing of Building Line and Lime Mortar.
56	IS: 1628-1960	.	.	Specification for Oil, Lubricating, Axle, Regular and Premium.
57	IS: 1630-1960	.	.	Specification for Mason's Tools for Plaster Work and Pointing Work.
58	IS: 1631-1960	.	.	Methods of Test (Physical) for Industrial Water.
59	IS: 1660-1960	.	.	Specification for Wrought Aluminium Utensils.
60	IS: 1662-1960	.	.	Specification for Glass Liquor Bottles.

S.O. 104.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks), Regulations, 1955, the Indian Standards Institution hereby notifies that eleven licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
1	CM/L-248 19-12-1960	20-12-1960	19-12-1961	M/s. Kaira District Co-operative Milk Producers' Union Ltd., Anand (W.R.) Kaira District, Gujarat State.	Infant Milk Foods.	IS: 1547-1960 Specification for Infant Milk Foods.
2	CM/L-249 19-12-1960	1-1-1961	31-12-1961	M/s. Delton Cable Company, 3457, Delhi Gate, Delhi.	PVC Cables and Cords (250 and 660 Volts Grade).	IS: 694-1960 Specification for PVC Cables and Cords for Electric Power and Lighting for Working Voltages Up to and Including 650 Volts to Earth.
3	CM/L-250 26-12-1960	1-1-1961	31-12-1961	M/s. Krishnaveni Ink Factory, 292, Tiruvottiyur High Road, Madras-21.	Ferro-Gallo Tannate Fountain Pen Ink (0.1 Percent Iron Content).	IS: 220-1959 Specification for Ferro-Gallo Tannate Fountain Pen Ink (0.1 Percent Iron Content) (Revised).
4	CM/L-251 26-12-1960	1-1-1961	31-12-1961	M/s. Krishnaveni Ink Factory, 292 Tiruvottiyur High Road, Madras-21.	Dye Based Fountain Pen Inks, Blue, Green, Violet and Red.	IS: 1221-1957 Specification for Dye Based Fountain Pen Inks (Blue, Green, Violet, Black and Red).
5	CM/L-252 26-12-1960	1-1-1961	31-12-1961	M/s. Tata-Fison Private Ltd., Union Bank Bldg., Dalal Street, Bombay-1.	Copper Oxychloride Water Dispersible Powder Concentrates.	IS: 1507-1959 Specification for Copper Oxychloride Water Dispersible Powder Concentrates.
6	CM/L-253 26-12-1960	1-1-1961	31-12-1961	M/s. Travancore Chemical & Manufacturing Co. Ltd., Manjummel, Alwaye.	Do.	Do.

7	CM/L-254 26-12-1960	.	.	1-1-1961	31-12-1961	M/s. Swastik Rubber Products Ltd., "Swastik House", Kirkee, Poona-3.	Rubber-Insulated Cables, VIR (Vulcanized Rubber-Insulated) 250 Volt Grade.	IS: 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (for Working Voltages Up to and Including 11 kV) (Tentative).
8	CM/L-255 29-12-1960	.	.	1-1-1961	31-12-1961	M/s. Shree Ram Oil & General Mills, Gurgaon (Punjab).	Corn Flakes.	IS: 1158-1957 Specification for Corn Flakes
9	CM/L-256 29-12-1960	.	.	15-1-1961	14-1-1962	M/s. Tata-Fison Private Ltd., Palluruthy, Cochin-5.	Copper Oxychloride Dusting Powders.	IS: 1506-1959 Specification for Copper Oxychloride Dusting Powders.
10	CM/L-257 29-12-1960	.	.	15-1-1961	14-1-1962	Do.	Copper Oxychloride Water Dispersible Powder Concentrates.	IS: 1507-1959 Specification for Copper Oxychloride Water Dispersible Powder Concentrates.
11	CM/L-258 29-12-1960	.	.	1-2-1961	31-1-1962	M/s. Boots Pure Drug Co. (India) Private Ltd., 17, Nicol Road, Bombay-1.	Do.	Do.

[No. MD/12:485].

S.O. 105.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that 7 licences, particulars of which are given in the Schedule hereto annexed have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
		From	To			
1	CM/L-23 19-12-1956	1-1-1961	31-12-1961	M/s. Deccan Aluminium Stores 56 1st Bhoiwada, Bombay	Wrought Aluminium & Aluminium Alloy Utensils	IS: 21-1959 Specification for Wrought Aluminium and Aluminum Alloys for Utensils (Second Revision)
2	CM/L-24 19-12-1956	1-1-1961	31-12-1961	M/s. Light Metal Works, New Sun Mill Compound, Delisle Road, Bombay-13	Do.	Do.
3	CM/L-110 23-12-1958	1-1-1961	31-12-1961	M/s. Jaipur Metals & Electricals Ltd., Near Rly. Sta., Jaipur.	Hard-Drawn Copper Solid Conductors for Overhead Power Transmission Purposes	IS: 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes (Tentative)
4	CM/L-111 16-12-1958	1-1-1961	31-12-1961	M/s. Beliaghata Timber Works Pvt. Ltd., 28-B Chaulpatty Rd., Calcutta-10	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised)
5	CM/L-112 26-12-1958	1-1-1961	31-12-1961	The Kesar Sugar Works Ltd., 45-47 Apollo St., Fort, Bombay-1.	Hydroquinone, Photographic Grade	IS: 388-1952 Specification for Hydroquinone, Photographic Grade
6	CM/L-155 16-11-1959	1-1-1961	31-12-1961	M/s. Bombay Chemicals Pvt. Ltd., 129 Mahatma Gandhi Rd., Fort, Bombay-1.	Pyrethrum Extracts	IS: 1051-1957 Specification for Pyrethrum Extracts
7	CM/L-157 23-12-1959	1-1-1961	31-12-1961	M/s. Shashi Brothers Pvt. Ltd., Vaswani Mansions, Dinsa Vacha Road, Bombay-1.	Rubber Insulated Cables, TRS (Tough Rubber Sheathed) Type, 250 Volt Grade	IS: 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (for Working Voltages Up to and Including 11 KV) (Tentative).

[No. MD/12:83].

LAL C. VERMAN,
Director.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

New Delhi, the 10th January 1961

S.O. 106.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.R.O. 256, dated the 15th January, 1958, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), [hereinafter referred to as the said Act], the Central Government gave notice of its intention to prospect for coal in the lands in the locality specified in the Schedule appended to that notification;

And whereas by the notification of the Government of India in the Department of Mines & Fuel (Ministry of Steel, Mines and Fuel) S.O. 171, dated the 14th January, 1960 under sub-section (1) of section 7 of the said Act, notice was issued specifying a further period of one year commencing from the 15th January, 1960, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire—

- (a) the lands measuring 251.25 acres described in the Schedule 'A' appended hereto; and
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 113.50 acres described in the Schedule 'B' appended hereto.

The plans of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd., (Revenue Section), "Darbhanga House", Ranchi.

Any person interested in the aforesaid lands may within thirty days of the issue of this notification, file objection to the acquisition of the whole or any part of the lands or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

SCHEDULE 'A'

(Nadiatoli Block)

Drawing No. Rev/103/60
(Showing lands to be acquired)

Sub-Block I

All rights

Sl. No.	Village.	Thana	Thana No.	District	Area	Remarks.
1.	Darl	Mandu	43	Hazaribagh	251.25 acres.	Part. Total Area:—251.25 Acres (Approximately).

Plots to be acquired in village Darl.

454(P), 787(P), 794 to 802, 803(P), 809(P), 810, 811, 812, 825(P), 853(P), 854(P), 855, 856, 857(P), 858 to 866, 867, 868 to 883, 884(P), 888, 889, 890(P), 891(P), 892(P), 895(P), 896(P), 897(P), 898(P), 899(P), 900(P), 901(P), 904(P), 944(P), 952(P), 954(P), 955(P), 956(P), 1344(P), 1350(P), and one un-numbered Plot surrounded by Plot Nos:—868, 845, 855 and 867.

Boundary Description.

AB line passes through Plot Nos. 1344, 956 and 787.

BC line passes through Plot Nos. 787, 954, 454, and 803.

CD line passes along the western Bank of Marangarah Nallah (River).

DE line passes through Plot No. 803.

EF line passes along the Eastern Boundary of Plot Nos. 814, 809, 807, 806, 805, and northern Boundary of Plot No. 804.

FG line passes along the Western Boundary of Plot Nos. 804, 805, 808, Eastern side of Plot No. 810, through Plot No. 809, along the Western Boundary of Plot No. 813, through Plot No. 809 and along the northern side of Plot No. 884.

GH line passes along the right side of the village Road (Plot No. 884).

HI line passes through Plot Nos. 884, 854, 853, 825 and 857.

IJ line passes along the Northern Bank of Marangarah Nallah (River).

JK line passes through Plot Nos. 904, 900, 901, 899, 898, 897, 896, 895, 892, 891, 803, 944 and 954.

KL line passes through Plot Nos. 954, 952, 955 and 956.

LM line passes through Plot Nos. 956 and 1350.

MA line passes through Plot Nos. 1350 and 1344.

SCHEDULE 'B'.

Drawing No. Rev/103/60

Sub-Block 2
Mining Rights. (Showing lands where rights to mine, quarry bore, dig and search for win, work and carry away minerals are to be acquired).

S. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Dari	Mandu	43	Hazaribagh.	113.50 Acres. Total Area: 113.50 Acres (Approximately).	Part.

Plots to be acquired in village Dari

803(P), 890(P), 891(P), 892(P), 893, 894, 895(P), 896(P), 897(P), 898(P), 899(P), 900(P), 901(P), 902, 903, 904(P), 905 to 935, 936(P), 944(P), 945 to 950, 954(P), 1486(P), 1487 to 1494.

Boundary Description

KJ line passes through Plot Nos.—

954, 944, 803, 891, 892, 895, 896, 897, 898, 899, 900, 901, 890 and 904.

JO line passes along the Northern Bank of Marangarah Nallah (River).

ON line passes through Plot No. 1486.

NK line passes through Plot Nos.—

1486, 936, 944 and 954.

[No. C2-20(16) /60.]

B. ROY, Under Secy

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 4th January 1961

S.O. 107.—In exercise of the powers conferred by the proviso to article 308 of the Constitution, the President hereby makes the following further amendments in the General Central Services Class III and Class IV Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1960, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 1866 dated the 19th July, 1960, namely:—

1. These rules may be called the General Central Services Class III and Class IV Posts (Central Mechanised Farm, Suratgarh) Recruitment Amendment Rules, 1961.

2. For rule 5 of the General Central Services Class III and Class IV Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1960, the following rule shall be substituted, namely:—

“5. *Disqualification*:—

- (a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service; and
- (b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.”

[No. 8-38/60-FR.26.]

B. R. KAPOOR, Under Secy.

(Department of Agriculture)

New Delhi, the 4th January 1961

S.O. 108.—In pursuance of clauses (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937 and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture (Agriculture) No. F. 14-85/53-Dte.II dated the 17th January, 1955 the Central Government hereby directs that a fee at the rate of 15 naya paise per kilogram of bristles or part thereof shall be charged for affixing an Agmark label to every package or covering containing bristles.

Provided that in the case of a packet containing a commercial sample of bristles despatched by post weighing more than 200 grams and upto 2 kilograms, a fee at the flat rate of 60 naya paise per packet shall be levied irrespective of the weight of such packet within the limits aforesaid or the grading of bristles contained therein.

[No. F. 17-15/60-A.M.]

S.O. 109.—In pursuance of clauses (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937 and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture (Agriculture) No. F. 17-31/54-A.M. dated the 24th December 1954 the Central Government hereby fixes with effect from the 1st April, 1961, the following charges for Agmark labels to be affixed to the bales or packets of wool, namely:—

1. White and tinged white—35 naya paise for 10 Kilograms or part thereof.
2. Yellow and Pale Yellow—30 naya paise for 10 Kilograms or part thereof.
3. Coloured—15 naya paise for 10 Kilograms or part thereof.
4. Tannery—5 naya paise for 10 Kilograms or part thereof.
5. A flat rate of 35 naya paise on each packet of wool sample despatched by post weighing over $\frac{1}{2}$ Kilogram and upto $2\frac{1}{2}$ Kilograms irrespective of weight or grade.

[No. F. 17-15/60-AM.]

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 5th January 1961

S.O. 110.—In the notification of the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 2660 dated the 27th October, 1960, published

in the Gazette of India, Part II Section 3-Sub-section (ii) dated the 5th November, 1960 on pages 3267-3271, the following corrections shall be made, namely:—

In the said notification;—

(1) In Schedule I, in column one, for "W 460" read "W 450".

(2) In the Map of India under Schedule VII, for "भारत की उत्पत्ति"

read "भारतीय उत्पाद" and omit the Tamil and Telugu words written underneath.

[No. F. 20-1/59-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 6th January 1961

S.O. 111.—In exercise of the powers conferred by Section 17 of the Indian Oilseeds Committee Act, 1946 (No. 9 of 1946), the Central Government hereby makes the following further amendments to the Indian Oilseeds Committee Rules, 1947, the same having been previously published as required by sub-section (1) of Section 17 of the said Act, namely:—

1. These rules may be called the Indian Oilseeds Committee (Amendment) Rules, 1961.

2. Rule 30 of the Indian Oilseeds Committee Rules, 1947 (hereinafter referred as the said rules) shall be re-numbered as sub-rule (1) of that rule and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) The owner of every mill shall maintain a raw material account in Form 'C' annexed to these Rules."

3. After Form 'B' annexed to the said rules, the following Form shall be added, namely:—

FORM 'C'

[See Rule 30(2)]

RAW MATERIAL ACCOUNT SHOWING THE DAILY ACCOUNT OF OILSEEDS USED AND OIL EXTRACTED

Date	Nuts/Oilseeds				Quantity of oil received after crushing.	Oil cakes		Remarks		
	Receipts from		Issued for			Quantity obtained.	Quantity issued.			
	Decor-ticator	Outside	Crush-ing	Direct sales						
I	2(a)	2(b)	3(a)	3(b)	4	5	6	7		

Abstract at the end of the each month

Balance in the beginning of the month.

Seed Oil Oilcakes

Add receipts during the month.

Total.

Less issues during the month.

Balance at the end of the month.

Remarks.—Separate account should be maintained for each variety of seeds."

[No. 8-128/60/ICOC R.AMI/61.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 3rd January 1961

S.O. 112.—In exercise of the powers conferred by section 12(2) of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby make the following amendment in the Second Schedule to the said Act, namely:—

In the said Second Schedule for the entries in column 2 against "University of Melbourne" the following entries shall be substituted, namely:—

"M.B., B.S.

M.D.

M.S."

[No. F. 17-57/59-M.1.]

New Delhi, the 7th January 1961

S.O. 113.—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendments in Part II of the Third Schedule of the said Act, namely:—

In the said Part II of the Third Schedule, after the entry "Medico—Surgeon (Goa)", the following entries shall be inserted, namely:—

"M.B.B.S. (Karachi).

M.B.B.S. (Sydney—New South Wales—Australia).

M.D. (Minnesota—U.S.A.).

M.D. (Geneva—Switzerland)."

[No. F. 17-17/60-M.1.]

ORDER

New Delhi, the 3rd January 1961

S.O. 114.—With reference to the notification of the Government of India Ministry of Health No. F. 16-14/59-M.1., dated the 30th March, 1960, according recognition to the Medical qualification M.D. granted by the Baylor University, U.S.A., for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act, directs that the medical practice by Dr. Seaman Maynard, possessing the said qualification shall be limited to the institution of Chinchpada Mission Hospital, Chinchpada, West Khandesh for a period of two years with effect from the date of this order or so long as Dr. Seaman Maynard continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-5/60-M.1.]

A. C. RAY, Under Secy.

New Delhi, the 4th January 1961

S.O. 115.—In exercise of the powers conferred by sub-section (2) of section 6, and sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), the Central Government after consultation with the Drugs Technical Advisory Board, hereby makes the following rules to amend the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

These rules may be called the Drugs First Amendment Rules, 1961.

In the Drugs Rules, 1945.

2. (1) for the Explanation to rule 30-A, the following Explanation shall be substituted, namely:—

"Explanation:—For the purposes of this rule, "new drug" means a drug the composition of which is such that the drug is not generally recognised

among experts as safe for use under the conditions recommended or suggested in the label thereof and includes any drug the composition of which is such that the drug, as a result of investigations for determining its safety for use under such conditions, is so recognised, but which has not, otherwise than during the course of such investigations, been used to any large extent or for any appreciable length of time under the said conditions."

(2) in the proviso to rule 37, the following shall be inserted at the end, namely:—

“and the imports are made within a period of twelve months from the date of issue of such permission.”

(3) in rule 49, clause (b) shall be omitted;

(4) in rule 63—

(i) for the first proviso to sub-rule (4), the following proviso shall be substituted, namely:—

“Provided that this sub-rule shall not apply to—

(a) the supply of drugs specified in Schedule C or Schedule E or of preparations containing drugs specified in Schedule E, on the prescription of a registered medical practitioner, or

(b) the supply of drugs specified in Schedule C by way of wholesale dealing.”

(ii) after clause (c) of sub-rule (15), the following sub-rule shall be inserted, namely:—

“(16) The licensee shall maintain an Inspection Book to enable an Inspector to record his impressions and the defects noticed.”

(5) in rule 74-after clause (c) the following clause shall be inserted, namely:—

(f) the licensee shall maintain an Inspection Book to enable an Inspector to record his impressions and the defects noticed.”

(6) in rule 78, after clause (k), the following clause shall be inserted, namely:—

(1) the licensee shall maintain an Inspection Book to enable an Inspector to record his impressions and defects noticed.”

(7) in rule 92, after clause (d), the following clause shall be inserted, namely:—

“(e) the licensee shall maintain an Inspection Book to enable an Inspector to record his impressions and defects noticed.”

(8) for sub-rule (1) of rule 94, the following sub-rule shall be substituted, namely:—

“(1) Labels on packages or containers of drugs for export shall be adapted to meet the specific requirements of the law of the country to which the drug is to be exported but the following particulars shall appear in a conspicuous position on the innermost container in which the drug is packed and every other covering in which that container is packed:—

(a) name of the drug;

(b) the name, address of the manufacturer and the number of the licence under which the drug has been manufactured;

(c) batch or lot number;

(d) date of expiry, if any”;

(9) to sub-rule (2) of rule 108, the following proviso shall be added, namely:—

“Provided that nothing in this sub-rule shall apply to a penicillin suspension in oil and wax.”

(10) in rule 114, in clauses (g) and (h), the words “except preparations which, after being sealed in the containers, have been sterilized by heat in a manner satisfactory to the licensing authority” shall be omitted.

(11) in rule 115, for clause (a), following clause shall be substituted, namely:—

(a) to samples taken from each batch of the substance before the operation of filling and sealing the containers in which it is to be issued has commenced except preparations, which after being sealed in the containers are to be sterilized by heat in a manner satisfactory to the licensing authority; and

(12) after item (iv) of clause (b) of rule 122, the following new item shall be inserted, namely:—

“(v) the date of manufacture.”

(13) for Schedule B, the following Schedule shall be substituted, namely:—

“SCHEDULE B

(See rules 7 and 48)

Fees for test or analysis by the Central Drugs Laboratory or the Government analyst.

I. Fees for drugs including hormones etc. requiring biological assay.

	Rs.
Digitalis	35
Strophanthus	35
Pituitary (Posterior Lobe) Extract	35
Addrenaline preparations	35
Thyroid	35
Sex gland preparations:—	50
Ovarian	70
Luteal	50
Orchis	50
Heparin	50
Insulin & Insulin combinations (Prolonged action)	50 to 75*
Organic Arsemicals:—	
Neoarsphenamine, Sulpharsphenamine and allied products	50 to 70*
Test for sterility	10
Toxicity tests for organic antimony compound	20 to 30*
Pyrogen test	20
Antibiotics (assay, pyrogen, undue toxicity, sterility; and chemical tests) (depending on the number of tests to be carried out)	30 to 70
Disinfectants	45
Surgical sutures (depending on the number of tests to be carried out)	15 to 30

II Fees for sera and vaccine.

(i) Sera:—

(a) Determination of exact titre	75
(b) Determination that sample is upto titre specified	50

(ii) Vaccines.

(a) Examination in which an animal test is employed	50
(b) Examination in which an animal is not employed	25

III. Fees for other drugs to be examined according to specifications of a Pharmacopoeia.

20 to 30

IV. Fees for patent and proprietary preparations. For the assay of one ingredient

20

For each additional ingredient

10

subject to a maximum total fee of Rs. 70*

20 to 70*

V. Crude drug

(depending on the number of tests to be carried out)

*The exact amount of the fee shall be determined in case by the Director or the Government Analyst as the case may be.”

(14) In Schedule F,

(a) for Section (b) in Part I, the following section shall be substituted, namely:—

“(B) Provisions applicable to the production of Vaccine Lymph (Vaccinum Vaccinae).

1. *Definition and proper Name.*—Vaccine Lymph is a preparation of the vaccinal material obtained from the vesicles produced on the skin of healthy animals by inoculation of vaccine virus. Its proper name is “Vaccine Lymph.”

2. *Staff of Establishment.*—(1) The establishment in which vaccine lymph is prepared must be under the complete direction and control of a competent expert, who must be assisted by a staff adequate for carrying out the operations and tests required during the preparations of the vaccine lymph and the finished product.

(2) The entire responsibility for the production, storage, testing during manufacture and issue of safe, potent and reasonably pure vaccine lymph rests upon the competent expert.

3. *Condition and Housing of Animals.*—(1) The animals used in the production of vaccine lymph must be housed in hygienic conditions in premises satisfactory for this purpose.

(2) Only healthy animals may be used in the production of vaccine lymph. Each animal intended to be used as a source of vaccine lymph must, before being passed for the production of vaccine lymph, be subjected to a period of observation in quarantine for at least seven days. During the period of quarantine the animal must remain free from any sign of disease and must be thoroughly cleaned and groomed.

4. *Precautions to be observed in preparation.*—(1) A special room, with impervious walls and floor, which can be washed and, when necessary, chemically disinfected, must be provided for the inoculation of the animals and the collection of the vaccinal material.

(2) The inoculation shall be made on such parts of the animal as are not liable to be soiled by the passage of faeces. The surface used for inoculation shall be shaved and so cleaned as to procure the nearest possible approach to asepsis. Prior to the collection of vaccinal material the inoculated area of the skin shall be cleaned in a similar fashion.

(3) (a) Immediately before the vaccinal material is collected, the animal should be killed. Subsequently, a thorough post-mortem examination of the carcass shall be made by a qualified expert. A complete record of each such examination shall be kept and shall be open to inspection by or on behalf of the licensing authority at any time. If the examination reveals any conditions which indicate or suggest that the animal was suffering from any communicable disease (other than vaccinia) the lymph obtained from that animal shall not be issued.

(b) When lymph is collected from a living animal each such animal shall be kept under observation for a period of at least forty-eight hours after collection of lymph. If during this period the examination reveals any conditions which indicate or suggest that the animal was suffering from any infection other than vaccinia the lymph obtained from that animal shall not be issued.

(4) All instruments and appliances used in the production of vaccine lymph shall be previously subjected to an effective process of sterilization.

(5) Laboratories in which the vaccinal material is being manufactured into lymph must be housed in a building separated from stables or animal houses by a reasonable distance. Such laboratories must have impervious walls and floors and must be capable of being readily disinfected when necessary.

(6) All processes concerned with the manufacture of vaccine lymph must be carried out with thorough aseptic precautions.

(7) All vaccinal material must be subjected after collection to such treatment with glycerine or other partial disinfectant as will bring the content of bacteria and other extraneous micro-organisms of the lymph within the limit prescribed in paragraph 7 of this Part of this Schedule.

(8) (a) From the very time the vaccinal material is collected it shall be kept continuously in cold storage at a temperature below 0°C. excepting when it is

being subjected to some essential manufacturing process like grinding or treatment with glycerine or other partial disinfectant necessary to bring down the number of micro-organisms to the prescribed limit.

(b) when the procedures necessary to bring the content of bacteria and other extraneous micro-organisms within the prescribed limit have been completed, the vaccine lymph shall be kept continuously in cold storage at a temperature below 0°C., until it is withdrawn to be filled into containers for issue, after which process the filled containers shall immediately be returned to cold storage and kept continuously at a temperature below 0°C., until required for issue:

Provided that it shall be permissible to remove vaccine lymph from one such cold store to another, if adequate precautions are taken during such removal to guard against deterioration.

(c) A four-hourly record of daily temperature of the cold room shall be maintained for inspection.

5. *Containers.*—Vaccine lymph for issue shall be introduced with aseptic precautions either—

(a) into previously sterilized capillary glass tubes, each of which thereafter has been hermetically sealed at each end, and contains a quantity of vaccine lymph suitable for the effective vaccination of one human subject; or

(b) into tubes or containers of larger dimensions which have been sterilized before the introduction of the lymph and sealed so as to preclude the access of bacteria.

6. *Labelling.*—(1) The label on the container or a label or wrapper affixed to the package in which the container is issued for sale, shall bear a statement that the potency of the vaccine lymph cannot be assured for more than seven days from the date of completion of manufacture, unless the lymph is kept continuously at a temperature below 10°C. when the potency can be assured for fourteen days; Provided that it shall be permissible to state that if the lymph is kept continuously below 0°C. the potency can be assured for at least six months.

(2) For the purpose of clause (b) of sub-rule (3) of rule 109 the date on which the manufacture of the batch is completed shall be the date on which the vaccine lymph is removed for issue from cold storage after having been kept continuously at a temperature below 0°C., since the date of filling into containers for issue.

7. *Tests for Purity.*—(1) The vaccinal material shall be exposed to the action of glycerine or other partial disinfectant under suitable conditions of temperature until tests made by means of plate cultures have shown that the total number of living bacteria or other extraneous micro-organisms has been reduced to not more than 5 in 1 milligram, or 5,000 in 1 ml. of the vaccine lymph. The results of these tests shall be recorded and the records kept for inspection. The determination of the content of the living micro-organisms in the vaccine lymph shall be made in a manner approved by the licensing authority and the enumeration of colonies shall be made after incubation for two days at approximately 37°C., and then for at least three days at approximately 20°C.

(2) (a) Tests for the detection of *B. anthracis*, *Cb. tetani*, *Streptococcus haemolyticus*, *B. coli*, *Staphylococci* or any other pathogen which may prove harmful if introduced into the body by the process of vaccination shall be performed in a manner approved by the licensing authority and a record kept for inspection.

(b) if *B. anthracis* or *Cb. tetani* or *Streptococcus haemolyticus* is found to be present in the vaccine lymph at any stage of its preparation, either before or after the prescribed reduction in the number of living micro-organisms has been effected the batch of lymph shall be rejected forthwith. But if *B. coli* or any other pathogen which may prove harmful if introduced into the body by the process of vaccination is found, the lymph must be kept in cold storage till an examination of at least 10 milligrams or 0.01 ml. of the lymph fails to reveal its presence.

(c) The test for the detection of various harmful organisms in vaccine lymph shall be performed both at the initial and final stages of its preparation.

(3) When the prescribed reduction in the number of living micro-organisms has been effected the batch of vaccine lymph may be issued if—

(a) tests carried out in a manner approved by the licensing authority on a sample not less than 10 milligrams or 0.01 ml. have failed to reveal the presence of *B. anthracis*; and

(b) tests carried out in a manner approved by the licensing authority on a sample of not less than 0.1 per cent. of the batch have failed to reveal the presence of *C. tetani*; and

(c) tests carried out after the process of purification has been completed on a sample of not less than 10 milligrams or 0.01 ml. have failed to reveal the presence of beta haemolytic streptococci; and

(d) tests carried out in a manner approved by the licensing authority on a sample in which not less than 3 ml. of lymph is injected under the skin or in the peritoneal cavity of a healthy guineapig or 5 ml. under the skin or in peritoneal cavity of a rabbit and/or 0.5 ml. under the skin of a healthy mouse fail to produce serious symptoms or death of the animals.

8. Tests for Potency.—(1) Each batch of vaccine lymph, after the process of purification has been completed, shall be tested for potency so as to ensure its activity at the time of issue. These tests shall be applied not more than three months before the batch of lymph is finally issued.

(2) For the purpose of a test for potency a dilution shall be prepared by mixing 1 volume of the lymph with 1,000 volumes of physiological saline solution, or other suitable diluent. The dilution shall be used for the test without filtration.

(3) Such dilution of the vaccine lymph shall be tested by application to the suitably prepared skin of a rabbit and the batch of vaccine lymph from which the dilution was prepared shall not be issued unless the lesions characteristic of vaccinia are produced in a susceptible animal. For the purpose of comparison a similar dilution of lymph of known potency shall be applied simultaneously to the skin of the same animal: Provided that the licensing authority may approve any other form of comparative test for potency which may be submitted to the licensing authority for approval".

(b) in Part IX, after the entry 4 under "ANY OTHER PREPARATION IN A FORM TO BE ADMINISTERED PARENTERALLY" the following shall be added, namely:—

"LIVER INJECTION CRUDE."

1. Liver Injection Crude is a sterile solution in water for injection of that soluable thermostable fraction of mammalian livers which increases the red blood corpuscles in the blood of persons suffering from pernicious and other types of macrocytic anaemias. It is obtained by stopping the processes of extraction at such a stage that the final product is derived directly from an alcohol solution of a concentration not higher than 70 per cent. by volume, of C_2H_5OH .

Each ml. of Liver Injection Crude has Vitamin B_{12} , activity equivalent to either 1 microgram or 2 micrograms of cyanocobalamin. The preparation shall contain not more than 0.5 per cent. of cresol or of phenol as a bacteriostatic agent.

2. Proper name.—The proper name of the preparation shall be Liver Injection Crude.

3. Description.—A brownish liquid which at times may show a slight turbidity.

4. Tests:—

(a) Reaction: pH. 5 to 7.

(b) Total Solids.—Evaporate to dryness in a water bath at 105° C. for an hour and then at 60° C. in vacuum for 2 hours; cool in a desiccator and weigh. The total solids shall not be less than 15 per cent. w/v. in the case of preparation containing 2 microgram of cyanocobalamin per ml. and 7.5 per cent. w/v. in the case of preparation containing 1 microgram of cyanocobalamin per ml. respectively.

(c) *Limits for proteins.*—The protein nitrogen shall not exceed 0.08 per cent. w/v. as determined by precipitating the proteins with an equal volume of 20 per cent. trichloroacetic acid washing the precipitate with 10 per cent. trichloroacetic acid and by estimating the nitrogen content of the precipitate by the Micro-Kjeldahl method.

(d) *Absence of undue toxicity.*—The test should be performed on a batch of 5 healthy white mice weighing between 17 and 22 g. Intraperitoneal injection of the sample in dosage of 0.25 ml. per 20 g. of body weight shall not cause death within a period of 120 hours of any of the 5 mice tested. If even one of the 5 mice dies, the test shall be repeated and if there is no mortality in the second batch within a period of 120 hours the sample shall be deemed to have passed the test.

(e) *Sterility and pyrogen test.*—Liver Injection Crude shall comply with the sterility and pyrogen tests laid down for "Injections" in the Indian Pharmacopoeia. The dose to be injected into rabbits for the pyrogen test shall be 0.5 ml. per kilogram body weight.

(f) *Potency.*—The potency shall be determined by the microbiological method for the estimation of vitamin B₁₂ activity as specified in the Indian Pharmacopoeia and shall be not less than 100 per cent. and not more than 150 per cent. of that stated on the label.

5. *Container.*—The container used for Liver Injection Crude shall comply with the requirements laid down in the Indian Pharmacopoeia for container of "Injections".

6. *Storage.*—Liver Injection Crude shall be stored in a cool place preferably at a temperature not exceeding 20° C, and protected from light.

7. *Label.*—The label on the container shall state the following details in addition to any other particulars prescribed in these Rules:—

(1) The amount of Vitamin B₁₂ activity (Cyanocobalamin) per ml.

(2) The average amount of raw liver processed to produce 1 ml. of the extract.

(3) The date of expiration of potency which should not be later than 24 months from the date of manufacture, and

(4) The name and quantity of the bacteriostatic agent added.

[No. F. 1-45/58-D.]

M. K. KUTTY, Dy. Secy.

CORRIGENDUM

New Delhi, the 3rd January 1961

S.O. 116.—In the 5th line of the Ministry of Health Notification No. F.14-22/58-IH, dated the 22nd August, 1960, the words "Deratation Certificates" may be inserted between the words "Issue of" and "Deratation".

[No. F. 14-22/58-IH.]

[No. D. 7169-IH/60.]

T. V. ANANTANARAYANAN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 5th January 1961

S.O. 117.—In pursuance of sub-section (1) of section 151 of the Indian Merchant Shipping Act, 1923 (21 of 1923), the Central Government hereby makes

the following amendment in the Notification of the Government of India in the late Department of Commerce, No. 56-MI(8)/30 dated the 8th November, 1930, namely:—

In Schedule B to the said notification, against Port Blair, for the words "The Engineer and Harbour Master, Port Blair", the words "The Harbour Master, Port Blair" shall be substituted.

[No. F. 55-MA(20)/60.]

S. K. VENKATACHALAM, Dy. Secy.

(Departments of Communications and Civil Aviation)

New Delhi, the 30th December 1960

S.O. 118.—In exercise of the powers conferred by section 44 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby makes the following further amendments to the Air Corporations Rules, 1954, namely:—

1. These rules may be called the Air Corporations (Amendment) Rules, 1960.

2. In the Air Corporations Rules, 1954, after Chapter VI, the following Chapter shall be inserted, namely:—

"CHAPTER VI-A—Prohibition of employment of persons directly or indirectly interested in any subsisting contract with the Corporations."

43-A. No person who is directly or indirectly interested in any subsisting contract with either of the Corporations shall, except with the express permission in writing of the General Manager of the Corporation concerned, be or become an employee of that Corporation.

43-B. A person who is an employee or applies for employment in either of the two Corporations shall submit to the General Manager of the Corporation concerned or any other officer nominated by him, a declaration disclosing full details of any such contract in which he is or may be directly or indirectly interested.

43-C. When a person has secured employment with either of the Corporations on the basis of a false declaration or wilful non-disclosure of information or when an employee has wilfully made a false declaration or concealed information as to any direct or indirect interest in any such contract, or if the Corporation has reason to believe that he has made any such false declaration or concealed any such information, the services of such employee shall, without prejudice to any penalty which may be imposed under rule 59 of these Rules, be liable to be terminated forthwith.

[No. 7-CA(5)/60.]

K. GOPALAKRISHNAN, Dy. Secy.

(Departments of Communications and Civil Aviation—P. & T. Board)

New Delhi, the 6th January 1961

S.O. 119.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes with effect from the 1st April 1960 the following further amendments in the Indian Telegraph Rules, 1951, namely:—

1. These rules may be called the Indian Telegraph (Amendment) Rules, 1961.

2. In rule 434 of the Indian Telegraph Rules, 1951,—

(a) in Section "I Fees", for sub-section (1) headed "Installation fees", the following sub-section shall be substituted, namely:—

"(1) Installation fees

(a) for each telephone connection (excluding casual connection from a Departmental Exchange), internal or external extension, Private Exchange connection, Private Branch Exchange connection, junction lines to Private Branch Exchanges and for each end of a Private wire.

Rs. 40

(b) for a casual connection from a Departmental Exchange.	Rs. 20
(c) for the first plug and two sockets for each additional socket installed	Rs. 40 Rs. 20
(d) for each extra bell	Rs. 20

Note 1.—Installation fees are leviable on all new installations, permanent and temporary, including 'own your telephone' connections.

Note 2.—Installation fees for Private and Private Branch Exchange switchboards are leviable at the scale shown in Section VIII.

Note 3.—Where the subscriber is permitted to arrange the internal wiring himself the installation charges will be 50 per cent of the above charges."

(b) for Section "VII Temporary Installations", the following section shall be substituted, namely:—

"VII Casual and Temporary Installations.

(1) Casual connections from a Departmental Exchange.

(a) Casual telephone connections may be sanctioned by the Divisional Engineer in charge of an Engineering Division or Head of a Telephone District, taking into consideration the essentiality of the demand, expenditure involved and the feasibility of providing the connection at the required time. The charges for a casual telephone connection shall be as follows:—

<i>Measured Rate exchanges</i>	<i>Period</i>	<i>Rental</i>	<i>No of local calls allowed free of charge</i>
	i to 10 days	Rs. 15	50
	11 to 30 days	Rs. 30	50
	31 to 60 days	Rs. 60	100

Charges for calls in excess of the number allowed free of charge shall be levied at the rate prescribed for such calls in table (a) under para (1) of Section III.

Flat Rate exchanges

Rental of Rs. 1.50 nP. per day subject to a minimum of Rs. 15.

(b) The maximum period for which a casual telephone connection can be given shall be sixty days, provided that the Telegraph Authority may in its discretion, extend this period in special cases.

(2) Temporary connection from a Departmental Exchange.

The charges for a temporary telephone connection from a Departmental exchange shall be levied at the scale prescribed in Section III.

(3) Temporary extensions and Private Wires.

Temporary extensions and Private Wires may be given upto a maximum period of four months provided the cost involved in giving the facility does not exceed Rs. 200 in each case. The charges for temporary extensions and private wires shall be levied at half the appropriate annual rental prescribed for the corresponding facility if provided on regular basis as prescribed in Sections V and IX respectively."

[No. 10-11/60-R.]

S. MAHADEVA IYER,
Director of Telephones (E).

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 5th January 1961

S.O. 120.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government, hereby makes the following amendments in the Notifications of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 1104 dated the 7th May, 1959 and S.O. No. 495 dated the 16th February, 1960 namely:—

- (i) In Notification No. S.O. 1104 under column 1 against S. No. 11 substitute the word "and" for the "comma" after the words "Madras Base" put "full stop" after the words "Pannagarh Base" and delete the words "Assam Base".
- (ii) In Notification No. S.O. 495 in sub-para (c) of para one substitute the words "Bengal, Bihar and Orissa (Indep) Sub Area and Assam (Indep) Sub Area" for "and Bengal, Bihar and Orissa Sub Area".

[No. 14/3/60-Acc.]

N. VISVANATHAN, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 28th December 1960

S.O. 121.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely—

RAILWAY SERVICES (MEDICAL EXAMINATION) RULES, 1960

1. (1) These rules may be called the Railway Services (Medical Examination) Rules, 1960.

(2) These rules apply to a Railway Servant as defined in Rule 102(13) of the Indian Railway Establishment Code, Volume I.

2. (1) Where the competent authority has reason to believe that a Railway servant to whom these rules apply is suffering from

- (a) a contagious disease, or
- (b) physical or mental disability

which, in the opinion of that authority, interferes with the efficient discharge of the Railway servant's duties, that authority shall relieve the Railway servant from duty and arrange for medical examination of the Railway servant forthwith and the Railway servant will be considered to be on leave.

(2) If the examining medical authority subsequently expresses the opinion that it was unnecessary for the Railway servant to have been relieved from duty, he will be put back to duty and such leave shall not be debited to the leave account of the Railway Servant. The period of absence from date of relief from duty in terms of the above provision to the date he is put back to duty shall be treated as duty.

(3) On the basis of the opinion expressed by the examining medical authority and subject to the provisions of sub-rule (4) the competent authority may require the Railway servant either to continue on leave or to retire from service.

(4) The procedure for medical examination, grant of leave and retirement from service under this rule is contained in the attached annexure.

(5) For the purpose of these rules, "competent authority" in relation to a Railway servant shall be the authority as specified below and includes such other authority as may be authorised by the President in this behalf.

(i) For the Railway Board's Office:

- (a) Gazetted officers of the Railway Board's Secretariat—Chairman, Railway Board.

- (b) Non-gazetted staff of the Railway Board's Secretariat—Secretary, Railway Board.
- (c) Railway Officers on deputation to the Railway Board's office—Chairman, Railway Board.

(ii) **For Railways:**

- (a) Gazetted Officers Class I—Railway Board.
- (b) Gazetted Officers Class II—General Manager.
- (c) Non-gazetted staff—District or Senior Scale Officer as laid down in Note 4 of Regulation 2 of Appendix III in R-I (1951 Edition).

(6) Non-compliance with a direction given under sub-rule (1) or sub-rule (3) of this rule will be considered a good and sufficient reason for the imposition of a penalty in accordance with the rules governing discipline applicable to the Railway servant concerned.

3. A Railway servant who is retired from service under sub-rule (3) of Rule 2 may be granted such invalid pension, gratuity or provident fund benefits as may be admissible to him, under the rules applicable to him on the date of such retirement.

4. If any question arises relating to the interpretation of these rules, it shall be referred to the Railway Board whose decision thereon shall be final.

ANNEXURE

For the purpose of Rule 2 of the Railway Services (Medical Examination) Rules 1960 (hereinafter referred to as the said rules), the examining medical authority shall be determined according to Rules 2229-2235-RII and 2514 (CSR 442)-RII as the case may be.

2. (1) The authority directing the Railway servant to undergo medical examination under sub-rule (1) of Rule 2 of the said rules shall communicate to the examining medical authority all such details concerning the medical history of the case as might be available in his official records of the case, and shall include a directive that the standards of physical fitness to be adopted should make due allowance for the age and length of service of the Railway servant concerned.

(2) The authority directing the Railway servant to proceed on leave pending medical examination under sub-rule (1) of Rule 2 of the said rules shall also intimate the fact to the examining medical authority and require it to express an opinion on the necessity for the Railway servant to have been required to proceed on leave.

3. (1) If the examining medical authority finds the Railway servant to be in a bad state of health and considers that a period of absence from duty is necessary in his case for the recovery of his health, it may recommend the grant of leave to him for that period.

(2) If that authority considers that there is no reasonable prospect of the Railway servant recovering his health and becoming fit to resume his duties, it shall record the opinion that the Railway servant is permanently incapacitated for service, and shall also give reasons for that opinion.

(3) In either case, the examining medical authority shall communicate its findings to the authority which directed the Railway servant to undergo the medical examination.

4. (1) A Railway servant in whose case the grant of leave is recommended by the examining medical authority shall be required to continue on leave, by the authority competent to grant him leave as soon as the findings of the medical authority become available.

(2) The leave granted under sub-rule (3) of Rule 2 of the said rules shall be of such nature and for such period, as would be admissible to the Railway servant under the rules applicable to him if he had applied for the leave on medical certificate provided that the period of leave shall not extend beyond the date of expiry of the period recommended by the medical authority.

5. (1) A Railway servant declared by the examining medical authority to be permanently incapacitated for further service shall be retired from service, but

before the Railway servant is actually retired from service, the authority which directed him to undergo the medical examination shall inform him in writing of the action proposed to be taken in regard to him indicating briefly the grounds on which such action is proposed to be taken.

(2) The Railway servant shall also be informed that—

- (a) subject to the provisions of Rule 2237(1)(b) and (2), as the case may be, and any orders regarding grant of leave to persons suffering from specified diseases like tuberculosis, his retirement will have effect on the expiry of a period of one month from the date of communication unless he desires to retire from an earlier date;
- (b) He may submit, if he so desires, within the period of one month, a request to be examined by Medical Review Board supported by *prima facie* evidence that grounds exist for doing so; and
- (c) If he prefers a request for examination by a Medical Review Board, he shall be liable to pay the fees prescribed under paragraph 7.

(3) For the period from the date of the communication up to the date of retirement under paragraph 6, the Railway servant shall be granted leave under the rules applicable to his post or service as if he has applied for leave on medical certificate.

6. On receipt of an application for review, the competent authority shall take steps to constitute a Special Review Board in consultation with the Chief Medical Officer of the Railway, or the Medical Officer approved for the Indian Mission or post concerned. If the Review Board confirms the opinion of the examining medical authority, the retirement of the Railway servant shall subject to the provision of rule 2237(1)(b) and (2)-RII be effective from the date on which the decision is communicated to the Railway servant. If, on the other hand, the Review Board recommends grant of leave to the Railway servant, action shall be taken as provided in paragraph 4.

7. The entire expenditure incurred in assembling the Review Board shall be borne by the Railway, provided that the Railway servant shall be required to pay a fee of Rs. 16/- which shall be refunded if the Railway servant is not retired as recommended by the examining medical authority.

[No. E58ME1/2/Medical.]

D. V. REDDY, Secy.

MINISTRY OF EDUCATION

New Delhi, the 9th January 1961

S.O. 122.—In exercise of the powers conferred by sub-section (2) of section 6 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby accepts, with effect from the 13th January, 1961, the resignation of Dr. V. S. Krishna, Vice-Chancellor, Andhra University, of his office of member of the University Grants Commission.

[No. F. 24-72/60-U.5.(I).]

S.O. 123.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 5 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby appoints Dr. V. S. Krishna as a member of the University Grants Commission, with effect from the 14th January, 1961.

[No. F. 24-72/60-U.5.(II).]

S.O. 124.—In exercise of the powers conferred by sub-section (3) of section 5 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby nominates Dr. V. S. Krishna, a member of the University Grants Commission, as the Chairman of the Commission, with effect from the 14th January, 1961 in the place of Dr. C. D. Deshmukh retiring from the same date.

[No. F. 24-72/60-U.5.(III).]

P. N. KIRPAL, Secy.

MINISTRY OF REHABILITATION
(Office of the Chief Settlement Commissioner)

New Delhi, the 6th January 1961

S.O. 125.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri T. N. Mathur as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/234/AR(Per)/CSC/60.]

New Delhi, the 14th January 1961

S.O. 126.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri P. S. Mathur as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8(147)/Admn(R)(G)/CSC/60.]

KANWAR BAHADUR,
Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

CORRIGENDUM

New Delhi, the 10th January 1961

S.O. 127.—In partial modification of Delhi State Secretariat notification No. F. 1(46)/54-LSG(1) dated 31st May, 1955, it is hereby notified that the land bearing khasra No. 292 Min measuring 13 Bighas 11 Biswas situated in Inderpath Estate, which was by mistake left out in the aforesaid notification is also transferred to the Government of India with effect from the date of that notification i.e. 31st May, 1955.

[No. L.1(36)/53.]

KULWANT SINGH, Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th January 1961

S.O. 128.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Kamala Prasad Singh, Assistant Welfare Organiser, Coal Mines Labour Welfare Fund to be Inspector of Mines subordinate to the Chief Inspector.

[No. 7(62)60/M-II.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 6th January 1961

S.O. 129.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 and section 9 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby nominates Shri A. V. Jacob, Deputy Director, Civil Engineering (General), Railway Board, to be a member of the Committee constituted under section 5 of the said Act by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2032, dated the

23rd September 1958, vide Shri R. S. Barve and makes the following amendment to the said notification, namely:—

In the said notification, under the heading "Representatives of employers", for entry "(3) Shri R. S. Barve, Deputy Director, Civil Engineering, Ministry of Railways (Railway Board), New Delhi", the following entry shall be substituted, namely:—

"(3) Shri A. V. Jacob,
Deputy Director, Civil Engineering (General),
Ministry of Railways (Railway Board),
New Delhi".

[No. LWI(I)6(7)/59.]

K. D. HAJELA, Under Secy.

ORDERS

New Delhi, the 4th January 1961

S.O. 130.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank Limited, Jullundur City and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the management was justified in terminating the services of Shri Mohinder Paul Loomba? If not, to what relief he is entitled?

[No. LRII-10(156)/59.]

S.O. 131.—Whereas the employers in relation to the Dadabhoy's New Chirimiri Ponri Hill Colliery and their workmen represented by the Chattisgarh Colliery Workers' Federation, P.O. Chirimiri, Surguja District (Madhya Pradesh) have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the schedule hereto annexed;

And whereas the Central Government is satisfied that the said Chattisgarh Colliery Workers' Federation represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

THE SCHEDULE

FORM "A"

(See Rule 3)

Form of Application for the reference of an Industrial Dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute exists between the Management of New Chirimiri Ponri Hill Colliery and its workmen as represented by Chattisgarh Colliery Workers' Federation and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for adjudication by a Tribunal, an application is hereby made under section 10(2) of the Industrial Disputes Act, 1947, that the said matters should be referred to a Tribunal.

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated: The 1st October, 1960.

For the Management:—

Sd/- Illegible
Secretary,

For Dadabhoys' New Chirimiri Ponri Hill Colliery Co. (P) Ltd.,
Post Box No. 85, Temple Road, Nagpur.

For the Workmen.

Sd/- R. L. MALVIYA, M.P., President,
Chhattisgarh Colliery Workers' Federation,
P. O. Chirimiri, Dist. Surguja, M.P.

Sd/- Illegible
2/12/60
Dy. General Secretary,
Chhattisgarh Colliery Workers'
Federation, P.O. Chirimiri,
Distt. Surguja, (M.P.)

To

The Secretary to the Government of India,
Ministry of Labour & Employment, New Delhi.

Statement required under Rule 3 of the Industrial Disputes (Central) Rules, 1957,
to accompany the form of application prescribed under Section (2) of Section
10 of the Industrial Disputes Act, 1947.

(a) Parties to the dispute including the name and address of the establishment
or undertaking involved. Management of New Chirimiri Ponri Hill Colliery, P.O.
Chirimiri, known as Dadabhoys' New Chirimiri Ponri Hill Colliery (P) Ltd., Post
Box No. 85, Temple Road, Nagpur-1.

AND

Workmen of New Chirimiri Ponri Hill Colliery as represented by Chhattisgarh
Colliery Workers' Federation, P.O. Chirimiri, District Surguja (Madhya Pradesh).

(b) Specific matters in dispute:

1. (a) Whether the dismissal of Shri Rajkumar, Ex-Shot-firer of New
Chirimiri Ponri Hill Colliery from the services of the Colliery with
effect from 7th June 1960 is lawful and justifiable?

(b) If not, to what relief he is entitled?

(c) Total number of workmen employed in the undertaking affected—one.

(d) Estimated number of workmen affected or likely to be affected by the
dispute—one.

(e) Efforts made by the parties themselves to adjust the dispute.

Agreement to refer the matters of present dispute for adjudication arrived at
during the conciliation proceedings.

Sd/- Illegible.

Sd/- R. L. MALVIYA.

Sd/- Illegible
2/12/60.

[No. 2/289/60-LRII.]

G. JAGANNATHAN, Under Secy.

